



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

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

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Sixth periodic report of States parties**

**Brazil\***

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\* The present report is being issued without formal editing.  
For the combined initial, second, third, fourth and fifth periodic report submitted by the Government of Brazil, see CEDAW/C/BRA/1-5, which was considered by the Committee at its twenty-ninth session.

## GLOSSARY

ABRANET – Associação Brasileira de Provedores de Internet – *Brazilian Association of Internet Providers*

AIDS – Síndrome da Imunodeficiência Adquirida - *Acquired Immunodeficiency Syndrome*

ATER – Assistência Técnica e Extensão Rural - *Technical Assistance and Agricultural Expansion*

BID – Banco Interamericano de Desenvolvimento – *the Inter-American Development Bank (IDB)*

CEAP – Centro de Articulação de Populações Marginalizadas – *the Center for Articulation of Marginalized Populations*

CEB – Câmara de Educação Básica do Conselho Nacional de Educação – *Basic Education Chamber of the National Council of Education*

CEDAW – Convenção sobre a Eliminação de Todas as Formas de Discriminação contra a Mulher – *the Convention on the Elimination of All Forms of Discrimination Against Women*

CEPAL – Comissão Econômica para a América Latina e o Caribe – *the Economic Commission of Latin America and the Caribbean (ECLAC)*

CFEMEA – Centro Feminista de Estudos e Assessoria – *Feminist Center for Studies and Assistance*

CIM – Comissão Interamericana de Mulheres da OEA – *the Interamerican Women's Commission*

CIPD – Conferência Internacional sobre População e Desenvolvimento – *International Conference on Population and Development (ICPD)*

CNCD – Conselho Nacional de Combate à Discriminação - *the National Council to Combat Discrimination*

CNDM – Conselho Nacional dos Direitos da Mulher - *the National Council for Women's Rights*

CNE – Conselho Nacional de Educação - *the National Council of Education*

CNT – Confederação Nacional do Transporte – *the National Transport Confederation*

CONANDA – Conselho Nacional dos Direitos da Criança e do Adolescente – *the National Council for the Rights of Children and Adolescents*

CONDRAF – Conselho Nacional de Desenvolvimento Rural – *the National Council for Rural Development*

CONTAG – Confederação Nacional dos Trabalhadores na Agricultura – *National Confederation of Agricultural Workers*

CPF – Cadastro de Pessoas Físicas – *Personal Registration Number*

CPI – Comissão Parlamentar de Inquérito - *Parliamentary Inquiry Commission*

CPMI – Comissão Parlamentar Mista de Inquérito – *Mixed Parliamentary Inquiry Commission*

CPT – Comissão Pastoral da Terra – *the Pastoral Land Commission*

CSW – Comissão sobre a Situação da Mulher da ONU – *the Commission on the Status of Woman*

CUT – Central Única dos Trabalhadores – *the Federation of Trade Unions*

DAP – Declaração de Aptidão ao PRONAF – *Declaration of Acquirement to PRONAF*

DEAM – Delegacias Especializadas de Atendimento às Mulheres - *the Special Police Departaments for Assistance to Women*

DFID – Departamento de Desenvolvimento Internacional do Governo Britânico – *Departament for International Development*

DST – Doença(s) Sexualmente Transmissível(is) – *Sexual transmited illnesses*

ECA – Estatuto da Criança e do Adolescente (Lei nº. 8.069, de 13 de julho de 1990) – *the Statute of Child and Adolescent*

ENEM – Exame Nacional do Ensino Médio – *the National Middle School Exam*

EsAEX – Escola de Administração do Exército – *the Army Administration School*

ESCCA – Matriz Intersetorial de Enfrentamento da Exploração Sexual Comercial de Crianças e Adolescentes – *the Inter-Sectorial Framework on Sexual and Commercial Explotation of Children and Adolescents*

FIPIR – Fórum Intergovernamental de Promoção da Igualdade Racial – *the Intergovernmental Forum for the Promotion of Racial Equality*

FNCA – Fundo Nacional da Criança e do Adolescente – *the National Fund for Children and Adolescents*

FUNDEB – Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização dos Profissionais da Educação – *the Fund to Maintain and Develop Basic Education and to Value Education Professionals*

FUNDEF – Fundo de Manutenção e Desenvolvimento do Ensino Fundamental e de Valorização do Magistério - *the Fund to Maintain and Develop Primary Education and to Value the Teaching Profession*

FUNPEN – Fundo Penitenciário Nacional – *National Penitentiary Fund*

GLTTB – Gays, Lésbicas, Travestis, Transgêneros e Bissexuais – *Gays, Lesbians, Transvestites, Transsexuals and Bisexuals*

GRPE – Programa de Fortalecimento Institucional para a Igualdade de Gênero e Raça, Erradicação da Pobreza e Geração de Emprego - *the Program for Institutional Strengthening for Gender and Racial Equality, Eradication of Poverty and Generation of Employment*

GT – Grupo de Trabalho – *Working Group*

HIV – Vírus da Imunodeficiência Humana (sigla em inglês)

IBGE – Instituto Brasileiro de Geografia e Estatística - *the Brazilian Institute of Geography and Statistics*

INCRA – Instituto Nacional de Colonização e Reforma Agrária – *the National Institute for Settlement and Agrarian Reform*

INEP – Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira – *the Anísio Teixeira National Institute for Educational Studies and Research*

INFRAERO – Empresa Brasileira de Infra-Estrutura Aeroportuária – *the Brazilian Airport Infrastructure Agency*

INSS – Instituto Nacional do Seguro Social – *the National Institute of Social Security*

IPEA – Instituto de Pesquisa Econômica Aplicada – *the Institute for Applied Economic Research*

MDA – Ministério do Desenvolvimento Agrário - *Ministry of Agrarian Development*

MEC – Ministério da Educação – *Ministry of Education*

MJ – Ministério da Justiça – *Ministry of Justice*

MME – Ministério das Minas e Energia – *Ministry of Mines and Energy*

MST – Movimento dos Trabalhadores Rurais Sem Terra – *Movement of non Landowners Rural Workers*

MTE – Ministério do Trabalho e Emprego – *Ministry of Work and Employment*

OAB – Ordem dos Advogados do Brasil – *Brazilian Bar Association*

OEA – Organização de Estados Americanos – *the Organization of American States (OAS)*

OIT – Organização Internacional do Trabalho – *the International Labor Organization (ILO)*

OMS – Organização Mundial de Saúde – *the World Health Organization (WHO)*

ONG – Organização não-governamental - *Non-governmental Organization (NGO)*

ONU – Organização das Nações Unidas – *the United Nations Organization (UN)*

OPAS – Organização Pan-Americana da Saúde – *the Panamerican Health Organization (PAHO)*

PAIR – Programa de Ações Integradas para Confrontar a Violência Sexual contra Crianças e Adolescentes - *the Program for Integrated Actions to Confront Sexual Violence against Children and Adolescents in Brazil*

PETI – Programa de Erradicação do Trabalho Infantil - *Program for the Eradication of Child Labor*

PESTRAF – Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para Fins de Exploração Sexual Comercial – *the Research on Traffic in Women, Children and Adolescents for Commercial Sexual Exploitation*

PHPN – Programa de Humanização do Parto e Nascimento - *the Program for the Humanization of Labor and Birth*

PL – Projeto de Lei - *Bill*

PLP – Promotoras Legais Populares – *the Female Popular Public Prosecutors*

PNAD – Pesquisa Nacional por Amostra de Domicílios – *National Household Sampling Survey*

PNLD – Programa Nacional do Livro Didático – *the National Textbook Program*

PNEDH – Plano Nacional de Educação em Direitos Humanos – *the National Plan on Education in Human Rights*

PNPM – Plano Nacional de Políticas para as Mulheres – *National Plan on Policies for Women*

PNQ – Programa Nacional de Qualificação – *the National Training Plan*

PPA – Plano Plurianual

PRONAF – Programa Nacional de Fortalecimento da Agricultura Familiar - *the National Program for Family Agriculture*

PROUNI – Programa Universidade para Todos – the Program “University for All”

REJG – Rede Estadual de Justiça e Gênero – *the State Network for Justice and Gender*

REM – Reunião Especializada de Mulheres do Mercosul – *Specialized Meeting on the Mercosul Woman*

SAEB – Sistema de Avaliação do Ensino Básico – *the System for Basic Education Evaluation Research*

SEA/PR – Secretaria Especial de Aquicultura e Pesca da Presidência da República – *Special Secretariat for Aquaculture and Fishing of the Presidency of the Republic*

SEBRAE – Serviço Brasileiro de Apoio às Micro e Pequenas Empresas – *Brazilian Supporting Service for Micro and Small Companies*

SECAD – Secretaria de Educação Continuada, Alfabetização e Diversidade - *the Department for Continuing Education, Literacy and Diversity*

SEDH – Secretaria Especial dos Direitos Humanos - *the Special Secretariat on Human Rights*

SENASP – Secretaria Nacional de Segurança Pública – *the National Department of Public Security*

SENAT – Serviço Nacional de Aprendizagem do Transporte – *the National Service for Transport Training*

SEPPIR – Secretaria Especial de Políticas de Promoção da Igualdade Racial - *the Special Secretariat on Policies for the Promotion of Racial Equality*

SEST – Serviço Social do Transporte – *Social Transport Service*

SINE – Sistema Nacional de Emprego – *the National Employment System*

SNIG – Sistema Nacional de Informações de Gênero - *the National System for Gender Indicators*

SPM – Secretaria Especial de Políticas para as Mulheres - *the Special Secretariat on Policies for Women*

SUS – Sistema Único de Saúde – *Single Health System*

UNICEF – Fundo das Nações Unidas para a Infância – *the United Nations Fund for Children*

UNIFEM – Fundo de Desenvolvimento das Nações Unidas para a Mulher – *the United Nations Development Fund for Women*

UNODOC – Escritório das Nações Unidas para Controle das Drogas e Prevenção do Crime – *the United Nations Office for Drug Control and Crime Prevention*

USAID – Agência Norte-Americana para o Desenvolvimento Internacional

WG – Working Group

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Sixth Brazilian Report to the Convention on the Elimination of All Forms of Discrimination against Women - CEDAW

Period: 2001-2005

Foreword

Between July 1 and 7, 2003, the Brazilian Government, represented by a delegation led by the Special Secretariat on Policies for Women (SPM), participated in the 29th Session of the Committee on the Elimination of Discrimination against Women (CEDAW Committee) in order to present the Brazilian Report to the Convention on the Elimination of All Forms of Discrimination against Women.

The Report covered a period of 17 years, from 1985 to 2002 (corresponding to the initial, second, third, fourth and fifth reporting periods combined – CEDAW/C/BRA/1-5). Civil society entities and researchers participated in the preparation of the Report, which detailed the advances made by Brazilian women and the obstacles they faced in order to achieve full civil participation.

In 2005, Brazil presents to the Committee its sixth periodic report, covering the period of 2001-2005. A working group was established, under the coordination of the Special Secretariat on Policies for Women (SPM) and the Ministry of External Relations/Department of Human Rights and Social Issues. Also participated in the working group: the Ministries of Health; Labor and Employment; Education; Justice; and Planning, Budgeting and Management/Institute for Applied Economic Research (IPEA); as well as the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPIR); Special Secretariat on Human Rights (SEDH); and the National Council for Women's Rights (CNDM), represented by the Brazilian Women's Coalition (AMB), the National Women's Secretariat of the Federation of Trade Unions, and the Brazilian Women Confederation.

The information provided in the Sixth Periodic Report concentrates on the years 2003 and 2004. Information pertaining to prior years, up to June 2003, was provided in writing during the oral presentation of the previous report. This Report details the policies, programs and actions undertaken in compliance with the provisions of the Convention and the 21 CEDAW Committee recommendations to Brazil arising out of the previous report.

Preparation of this Report was based on a consideration of information provided by the working group members and information contained in the Brazilian Monitoring Report on the Millennium Development Goals, published in September 2004; the Brazilian response to the Questionnaire on the Application of the Beijing Platform for Action (1995) and the Results of the Twenty-Third Period of the Extraordinary Sessions of the General Assembly (2000), sent to the Commission on the Status of Women – CSW/UN in April 2004; the Annals of the First National Conference on Policies for Women, published in December 2004; and the National Plan on Policies for Women, presented to Brazilians in December 2004. This Report also considered the contribution arising out of a meeting of the National Council for Women's Rights, held on February 16, 2005.

The text of the National Plan on Policies for Women is one of the annexes of this Report. The Plan is structured in the form of a declaration of assumptions, principals and general guidelines of the

National Policy for Women. It comprises five parts: 1) autonomy, equality in work and civil participation; 2) inclusive and non-sexist education; 3) women's health, and sexual and reproductive rights; 4) combating violence against women; and 5) management and monitoring. The Plan provides a quick overview of the situation of women in these areas and describes the Government's policies and actions to overcome the challenges.

#### Introduction

Over the past two years, the Brazilian Government has been working ever more incisively to implement public policies that have a positive impact on the situation of inequality that exists in the country. In addition to the economic policies that are being developed, the Government has been concentrating on the formulation of social policies that have a true impact; that encourage civil participation on the part of Brazilian women and men.

In all of the policies that have been implemented in the country, one question has proven central – fighting hunger. And women, without a shadow of a doubt, have benefited enormously from these policies. Today, more than six million women receive Food Cards. The cards provide financial assistance, on a monthly basis, to families facing food insecurity.

However, the issue of hunger transcends the Brazilian borders and, thus, the Government has taken the initiative to mobilize people in power, nations and civil society around the world to eradicate hunger. Brazil has taken the debate over this issue to the most varied and important international forums.

In 2003, in Davos, Switzerland, at the World Economic Forum, the Brazilian Government proposed the creation of an international fund to combat hunger and poverty. In 2004, at this same Forum, the Heads of State declared “war” on hunger and poverty. In September 2004, a meeting of World Leaders for Action against Hunger and Poverty, led by Brazil, France, Spain, Chile and the United Nations, brought together approximately 150 countries at the UN Headquarters, in New York. An important theme of debate during the Fifth World Social Forum, held in Brazil, in January 2005, was the fight against hunger and poverty.

Human rights, inequality between women and men, racial and ethnic inequality, and discrimination based on sexual orientation, age (children and adolescents, or the elderly) or the fact that a person is disabled in some way, have also been the subjects of continual interventions. These actions have been supported and promoted by the Special Secretariat on Human Rights, Special Secretariat on the Promotion of Policies for Racial Equality and the Special Secretariat on Policies for Women, all high-level entities created at the beginning of 2003, with ministerial status. The Secretariats were established for the purpose of directly advising the President of the Republic on the development of these important themes.

The adoption of public policies for equality has arisen out of a dialogue with social movements. Examples include the innumerable conferences convened by the Federal Government over the last two years: First National Conference of Cities (October 2003); First National Conference on Aquaculture and Fishing (November 2003); National Environmental Conference (November 2003); Second National Conference on Food and Nutritional Security (March 2004); First National



Conference on Sports (June 2004); and the First National Conference on Policies for Women (July 2004), among others. The First National Conference on the Promotion of Racial Equality is already being organized for 2005.

This same dialogue and partnership have also been fostered with the Legislative Power. More specifically in the area of women's rights, the partnership with the Women's Caucus of the National Congress is strengthening. The Caucus has been working intensely for the approval of legislation that affirms the equality of rights between men and women. They are also lobbying to ensure that legislators recognize the importance of drafting of laws that guarantee and promote gender equality.

The Federal Government's fight against gender and racial inequality has revealed that much remains to be done in the defense and promotion of human rights in Brazil and, more specifically, in the area of women's human rights. However, the initiatives undertaken in the last two years have demonstrated the present government's commitment to fostering equality. Some of the highlights include:

1. Combating gender and racial inequality by including these themes as transversal to the general policies, both in the 2004-2007 Multi-Year Plan and in the system to evaluate the Sectoral Policies of the Ministry of Planning, Budgeting and Management.

2. The First National Conference on Policies for Women, held in July 2004 was preceded by municipal and state-level conferences. The Conference directly involved more than 120,000 women, from all regions of the country, in the process of elaborating "guidelines for a national policy for women from a perspective of gender equality, taking into account racial and ethnic diversity".

The President of the Republic convened the Conference, which was coordinated by the Special Secretariat on Policies for Women and the National Council for Women's Rights. The Conference was held in Brasília, the country's capital, and brought together 1,787 delegates and more than 700 national and international observers.

3. The National Plan on Policies for Women was drawn up in December 2004 and made public through the national TV and radio network. The Plan was based on the resolutions that came out from the First National Conference on Policies for Women. It defines policies and lines of action to promote gender equality. The Plan represents an important change in the way in which gender inequality is dealt with in Brazil. It emphasizes articulated rather than isolated actions. The Plan was elaborated by a working group that involved seven ministries and significant efforts to weave together an agreement between the Special Secretariat on Policies for Women and the other ministries from the 17 areas directly involved in the actions proposed under the Plan.

4. In an effort to increase the economic autonomy of women, instruments that strengthen policies to ensure equality of opportunity and rights in the labor market were created. An example is the installation of the Tripartite Commission for Equality of Opportunity for Gender and Race at Work and the Program for Institutional Strengthening for Gender and Racial Equality, Eradication of Poverty and Generation of Employment.

5. The articulation of a national policy to combat violence against women in the country resulted in, among other measures: the presentation to the National Congress of a Bill on Domestic Violence;

an Administrative Directive, issued by the Ministry of Health, establishing compulsory notification in the case of violence against a woman attended under the health system; and campaigns to combat violence against women and the exploitation of sexual tourism.

6. The commitment to guarantee health, and sexual and reproductive rights, is manifested in the implementation of the National Pact to Reduce Maternal and Neonatal Death, and the Brazil without Homophobia Program. Also important to this theme is the Government's decision to face the debate on the voluntary interruption of pregnancy. To this end, a Tripartite Commission, with representatives from the executive and legislative powers, and civil society, was established in order to discuss the subject and draft a proposal to revise the punitive legislation on abortion.

7. The establishment of the Department for Continuing Education, Literacy and Diversity (SECAD), in 2004, within the Ministry of Education. SECAD's mandate is to deal with the binomial "human rights and education", and to include the field of diversity the debate about the issues of gender, race, ethnicity, disabilities and sexual orientation.

8. The launching of the National Documentation Program for Rural Women Workers. The objective of the Program is to provide basic civil documentation free of charge to women who were settled as part of the Agrarian Reform Program, and for women family farmer. The initiative includes these women in the move to promote citizenship and contributes to their full exercise of rights, such as access to rural pensions. Also of significance are the measures taken to increase the inclusion of women in the National Program for Family Agriculture (PRONAF), such as the requirement that the Declaration of Qualification granted by PRONAF be made in the name of the couple and the enhancement of PRONAF-Woman through the set up of a special line of credit for women.

For the first time, the issue of transversality of gender in public policies adopted as a strategy to promote gender equality after the Fourth World Conference on Women, has been clearly and effectively embraced as an objective, a true priority, of the government.

Official documents expressly raise the issue of the transversality of gender in their texts. A document of the Special Secretariat on Policies for Women notes that: "The goals for the year 2003 include (...) the conceptual and practical inclusion of the theme in all areas of Government, given that women's human rights are indivisible and universal, and thus full civil participation by women is a transversal principle – an obligation of all the ministries"<sup>1</sup>. The National Plan on Policies for Women states that, "Transversal administration is one of the big challenges for public administration (...) and is a policy priority for the government"<sup>2</sup>.

The policies and actions undertaken by the Brazilian Government, as described in this Report, indicate that this approach to the building of gender equality fosters a new, positive environment in many areas.

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<sup>1</sup> BRAZIL. Presidency of the Republic. Special Secretariat of Policies for Women. **Federal Government Compromises 2003**: public policies for women. Brasília: 2003, p.18.

<sup>2</sup> BRAZIL. Presidency of the Republic. Special Secretariat of Policies for Women. **National Plan of Policies for Women**. Brasília: 2004, p. 85.

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## CEDAW - Article 1

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For the purposes of the present Convention, the term “discrimination against women: shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

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## CEDAW - Article 2

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States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a) To embody the principle of the equality between men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
  - b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
  - c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
  - d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
  - e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
  - f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
  - g) To repeal all national penal provisions which constitute discrimination against women.
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The principle of equality is entrenched in the Brazilian Constitution. Brazilian juridical framework has been modified so as to ensure that the legislation turns this principle into reality. During the period of 2001 to 2005, the National Congress approved important laws that directly affect the lives of women.

In the field of work, two new pieces of legislation were approved to deal with employment and maternity issues. One reestablishes the obligation of the enterprises to pay a maternity salary for insured pregnant and self-employees (Law No. 10.710/2003). The other modifies House of Representatives' bylaws and statute, in order to guarantee maternal leave for female federal representatives (Resolution No. 15, dated 28/11/03).

In the field of violence, three new laws were approved during the period covered by this Report. One allows the executive power to establish a National Toll-Free Domestic Violence Hotline (Law No. 10.714/2003). Another law establishes the compulsory notification of cases of violence against women who are treated through the health care services (Law No. 10.778/2003). The third law (Law No. 10.886/2004) adds provisions to Article 129 of the Penal Code to typify domestic violence as a crime.

In the National Plan on Policies for Women there is a list of the main pieces of legislation on women's rights, proclaimed after the promulgation of the Constitution of the Federal Republic of Brazil, in 1988.

The actions of the Women's Caucus of the National Congress had a fundamental role in the approval of these Laws. On many occasions, the Caucus worked closely with the Special Secretariat on Policies for Women and different organizations of the women's social movement.

2004 was declared the Year of the Woman in Brazil (Law No. 10745, 2003). This landmark stimulated female Federal Representatives and Senators to establish Committees for the Year of the Woman. The activities developed by these Committees provided the momentum for discussions on women's issues within the National Congress. Public audiences were held and legislation to defend and promote women's rights was approved.

As a result of this process various bills were approved by the Plenary Session of the House of Representative, and were forwarded to the Federal Senate for their approval: a) Bill 117/03 - removes the expression of honest woman from two articles in the Penal Code; b) Bill 335/95 - guarantees and regulates the establishment of nurseries and daycares in penitentiaries for women prisoners' children; and c) Bill 644/03 - guarantees the right of maternity leave for councilwomen, and state and federal representatives. Paternity leave for male parliamentarians was included in an amendment to this project.

Important initiatives have been undertaken to confront discrimination based on sexual orientation. In 2001, the Brazilian Government created the National Council to Combat Discrimination (CNCD) as one of the first measures adopted to implement the recommendations of the Durban Conference. One of the CNCD's lines of action is to combat discrimination based on sexual orientation. Representatives from civil society, and the gay, lesbian and transsexual movements are members of this Council.

In 2003, the CNCD established a Permanent Thematic Committee to deal with accusations of violations of human rights based on sexual orientation. In addition, the CNCD created a Working Group to develop the Brazilian Program to Combat Violence and Discrimination against Gays, Lesbians, Transvestites, Transsexuals and Bisexuals (GLTTB) and to Promote the Homosexuals Citizenship. The objective of the Program is to prevent and eliminate discrimination based on sexual orientation, guaranteeing GLTTBs the full exercise of their fundamental human rights.

The Federal Government is committed to the implementation of public policies that benefit the homosexual population. Hence, the Brazil without Homophobia Program, in partnership with civil society, was launched in 2004. The Program is based on two fundamental lines of action: combating

violence and promoting the homosexuals citizenship. One of the main objectives of this Program is the education and change in behavior of the public administrators.

The call for freedom of sexual orientation is also underscored in the establishment of the Parliamentary Front for Free Sexual Expression in October 2004, in the National Congress' Noble Hall. 53 parliamentarians acting in defense of human rights, fighting against discrimination and prejudice comprise the Front, which crosses party lines. These women and men parliamentarians are directing their efforts at proposing actions to combat homophobia and assist in the presentation and approval of bills of interest to the GLTTB community (gays, lesbians, bisexuals, transvestites and transsexuals).

Awareness towards differences is growing in Brazil. Although manifestations in contrary, on July 2, 2004 the Chamber of Deputies held a Solemn Session in honor of the National Day for Homosexual Awareness, by request of two representatives from the Worker's Party, Maria do Rosário (State of Rio Grande do Sul) and Maninha (Federal District) and it was attended by representatives of groups from the GLTTB movement.

The speakers affirmed the importance of acknowledging difference, liberty of expression and sexual orient as essential feature of the respect of human rights. In July 2004, during the Gay Pride Parade commemorations in various cities of Brazil, more than one million people took to the streets in support of the right to be different.

Measures have also been taken in the area of education.

These are described in Article 10.

Different organizations of the civil society have also undertaken actions to ingrain the principle of equality in the Brazilians daily lives. In December 2004, 40 of these organizations, with the support of business, launched a national campaign entitled "Where do You Hide your Racism?" The objective is to stimulate people to identify and rid themselves of their own prejudices. One survey showed that 87% of Brazilians say that there is racism in the country, although only 4% admit to harboring any – as if Brazil were a racist country without racists.

The novelty is that this campaign is mainly of white people, aimed at the white population. Whites (rather than only blacks) appear in the publicity spots. Films for TV, outdoor signs, bus doors and advertising spaces in trains were provided by businesses. The campaign, which is voluntary, was developed three years ago by a group of entities working together on the initiative, "Dialogues against Racism". [www.dialogoscontraoracismo.org.br](http://www.dialogoscontraoracismo.org.br)

The approval of the Senior Citizen's Statute was another important step toward entrenching the principle of equality. The Statute, sanctioned in October 2003, guarantees rights and stipulates obligations to improve the life of people over 60 years old in the country. It includes affirmative action provisions for the elderly, such as the requirement to set aside 3% of the units in government housing programs be for the elderly.

After seven years making its way through Congress, the Senior Citizen's Statute was approved in September 2003 and sanctioned by the President of the Republic the following month. It expands the

rights of citizens who are over 60 years old. The Statute is farther reaching than the National Policy for Senior Citizens, a 1994 law that provided guarantees for the elderly, since Statute institutes severe penalties for anyone who disrespects or abandons older citizens.

Another action taken in support of the equality of rights is the promulgation of Decree No. 65.296, by the President of the Republic, in December 2004. This norm, which regulates Laws 10.048/00 and 10.098/00, deals with the issue of accessibility for disabled persons or a person with reduced mobility (the elderly, pregnant women, obese people and people carrying children) and represents a decisive step to facilitate civil participation by these people.

This regulation constitutes a long-standing demand on the part of social movements. Law No. 10.048, dated November 8, 2000, requires priority assistance for disabled persons or those with reduced mobility and accessibility on the transport systems. Law No. 10.098 deals with accessibility related to the physical environment (buildings, streets, furniture, urban equipment, etc.), and to systems of transportation, communication, information and technical assistance.

The Committee's Recommendation No. 3 encourages Brazil to be diligent in ensuring the uniformity of results in the application of the Convention in the country. Although Brazil has not yet designed a specific monitoring instrument for the CEDAW Convention, the role falls to the Special Secretariat on Policies for Women and the National Council for Women's Rights. Their role includes the responsibility for the implementation and compliance monitoring for all of the international agreements and treaties signed by Brazil that deals with women's rights.

As for the application and the monitoring of the implementation of the Convention in the states and municipalities will be accomplished through, among other means, the creation and strengthening of mechanisms devoted to the promotion and defense of women's rights in these spheres. The states and municipalities' commitment to the National Plan on Policies for Women provides another opportunity to ensure that Brazil's obligations derived from the ratification of the Convention and its Optional Protocol become an integral part of the country's agenda.

In the period covered by this Report, the Special Secretariat on Policies for Women formulated a policy to stimulate the creation of mechanisms for the promotion and defense of women's rights at state and municipal levels. Also, in order to strengthen these secretariats, coordinating bodies and advisory entities for women, established the Forum for Institutional Mechanisms for the Promotion of Women's Rights. The Forum has met on a regular basis to discuss and evaluate the policies for women developed by the government. In 2004 the Forum met twice to discuss the National Plan on Policies for Women and to give a contribution to its formulation. At the beginning of 2005 it held a meeting, in which 50 of these mechanisms took part, to discuss joint action on the implementation of the policies for women.

Another important mechanism to monitor policies for women is the National Council for Women's Rights (CNDM). Created in 1985, the Council was the first women's mechanism in Brazil and was subordinated to the Ministry of Justice. Its mandate was to promote policies aimed at eliminating discrimination against women and ensuring their participation in the political, economic and cultural activities of the country.

During the present government the Council has changed considerably. It was integrated into the structure of the new Special Secretariat on Policies for Women (SPM). The Council includes representatives from civil society and the government and had expanded its role as a means of social control over public policies for women. It is presided over by the Minister of the Special Secretariat on Policies for Women, the CNDM and is integrated by 13 governmental bodies (the Ministries of Planning, Health, Education, Labor and Employment, Justice, Agrarian Development, Culture, Social Development and the Fight against Hunger, External Relations, Science and Technology, and the Special Secretariat for the Promotion of Racial Equality and Human Rights), 19 representatives from the women's social movements, and three women with widely-respected knowledge on the issue of gender.

The CNDM has met on an ordinary and extraordinary basis to define strategies, together with the SPM, for the implementation of policies for women in the country. Two meetings were held in 2003 and 6 meetings in 2004. The CNDM participated actively in the organization of the First National Conference on Policies for Women and the elaboration of the National Plan on Policies for Women.

The SPM and the CNDM have also been concerned with strengthening of the State and Municipal Councils for Women's Rights. In addition to holding meetings with all of these entities, the SPM has supported projects for their structuring and restructuring. Currently, 23 out of the 27 federal states have State Councils for Women's Rights, and there are approximately 130 Municipal Councils.

In 2004, the SPM funded a study entitled "The Institutionalization of the Focus on Gender and the Policy Entities for Women" in order to map the existing mechanisms and qualify the kind of intervention it should have on them. The specific objectives of the study were to identify the main features of the organizational structure and the actions taken by the councils and coordinating bodies that exist in the country at the state and municipal levels.

The CEDAW Committee's Recommendation No. 18 advised that the words "equity" and "equality" should not be used as synonyms or without being differentiated. It also recommended that the laws, policies and strategies developed by Brazil be based on a clear understanding, both theoretical and practical, of the word "equality", in order to guarantee that the State Party fulfill its obligations under the Convention.

Brazil takes the position that the terms "equity" and "equality" are not used as synonyms, but rather, as concepts that describe different points along the continuum of constructing egalitarian relations between women and men. As was stated in the previous report, the "unequivocal and unwavering" objective of Brazil "continues to be to employ all possible efforts and to pursue, through all applicable means, the full enjoyment by women and men, on an equal basis, of all the fundamental human rights and liberties, including the right to development".

The Brazilian Government has been working to improve statistical data collection, disaggregated by sex, race and ethnic origin – CEDAW Committee Recommendation No. 19 to Brazil. Since 2004, the Special Secretariat on Policies for Women (SPM) has been developing and implementing the National System for Gender Indicators (SNIG). It is an essential tool for planning and evaluating public policies for women and strengthens the SPM as a point of reference for gender issues and data about women in Brazil.

The National System for Gender Indicators (SNIG) will be initially have two modules: Module I – Demographic Census Data from 1991 and 2000 (source: Brazilian Institute of Geography and Statistics – IBGE); Module II – data available on the SPM’s primary themes – work and economic autonomy, health, education and violence against women (various sources).

The implementation of the first SNIG Module, which is the first goal of the SPM/DFID/UNIFEM Project, has been developed in partnership with the Brazilian Institute of Geography and Statistics (IBGE), through its Coordination of Population and Social Indicators.

In parallel with the SNIG development two virtual database have been developed: one basic virtual library on gender and policies for women and register of organizations, with data about national and international institutions that work with gender issues (government institutions, non-governmental organizations, academics, and multilateral organizations). This information will be available in the SPM website.

During the period covered by this Report, information, disaggregated by sex, has become increasingly available from various sources. In 2003, the Brazilian Institute of Geography and Statistics published a “Synthesis of Social Indicators”, which lists relevant indicators to the Brazilian social reality, including information on health, education, work and income, homes, families, specific population groups, and child and adolescent labor, among others. The data is accompanied by brief commentaries on the characteristics observed within the different geographic and population strata in the country, with respect to the above themes. There is a special chapter about the women in the Synthesis.

Results from the 2002 National Household Sampling Survey (PNAD) formed the principal basis for elaborating the indicators, which are presented in the form of tables and graphics covering Brazil, large regions of the country and federation units, and, for some aspects, metropolitan regions. The publication also lists the goals and objectives outlined in the global agenda for development, agreed upon in the Millennium Declaration. In addition, it sets out the indicators selected for the purposes of monitoring Brazil’s progress in certain areas, based on sources available from the IBGE.

The IBGE is also publishing a series of texts based on the 2000 Census, each on a different issue, among them it is of special interest the “Profile of Women Head of Households in Brazil”, which describes the socio-demographic situation of women in Brazil. This is the first in a series of studies on the theme. Subsequently, more in-depth studies will be published on the women’s conditions of life, based on information obtained from a sampling questionnaire presented in the 2000 Demographic Census. This publication forms part of the IBGE’s continuous production and systematization of social statistics that contributes to a better understanding of the life conditions of women, particularly those who head households in Brazil.

Although the amount of data disaggregated by sex has been increasing, the Brazilian Government acknowledges that this is a recommendation that still needs to be addressed. For example, there are still significant limitations with respect to large-scale statistical data on violence against women. This issue is the subject of specific action under the National Plan on Policies for Women, and is included in one of the programs of the Special Secretariat on Policies for Women. As a matter of fact, one of the priorities of the National Plan on Policies for Women is to collect, organize and disseminate data, and produce studies and surveys that deal with the subjects of gender and race.



There is even less information disaggregated on the basis of race and ethnicity. A series of specific actions is underway to clearly document the presence of blacks and people of other ethnic origins in Brazilian life.

In the field of education there is available information. The Anísio Teixeira National Institute for Educational Studies and Research (INEP) of the Ministry of Education (MEC) and the Special Secretariat on Policies for Women held a workshop on the inclusion of gender, race and sexual orientation indicators in the System for Basic Education Evaluation Research (SAEB).

In cooperation with the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPPIR) of the Presidency of the Republic, the MEC/INEP Working Group managed to guarantee the inclusion of a question on “color” in the School Census Form, for 2005. There is also a project to include a question on “ethnic identity” in the same document. Until now, indigenous students were registered as such only if they studied in schools located in Indigenous areas. However, many of them leave their villages to study in middle schools in urban centers.

The 2005 socio-economic survey for Middle School students, as part of the National Middle School Exam (ENEM), has also been modified both to adapt the language – such as the use of masculine and feminine – and to collect information on discrimination on the basis of gender, race and sexual orientation.

The Recommendation No. 20 requests information on the application of different UN Conferences final documents (the Conference on Population and Development, the Twenty-Seventh Special Session of the General Assembly on Children, the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Aging), in so far as they relate to the rights of women. Brazil, through the Special Secretariat on Policies for Women, the Special Secretariat on Human Rights, the Ministry of External Relations, and other Ministries, has participated in all of the important international forums dealing with women’s human rights and presided over by entities from the United Nations System.

During the period covered by this Report, various organizations were created, and programs and actions were undertaken that demonstrate the Brazilian Government’s decision to implement the platforms for action contained in these different documents. With respect to the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, it is worth mention that in 2003 the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPPIR) was created and an affirmative action has been developed with the establishment of a racial quota system in the universities. With reference the Second World Assembly on Aging, Brazil recently approved the Senior Citizen’s Statute, which aggregates a series of actions and measures in support of a dignified approach to aging. With respect to the World Conference on Population and Development, many important actions are being developed, such as the National Pact to Reduce Maternal and Neonatal Death, as well as other measures described in Article 12.

Brazil has also regularly reported on the implementation of these international instruments for women’s human rights in the country. Recently, the Minister of the Council for Economic and Social Development presented a report on the situation of women in Brazil, to the Working Group on Women’s Situation, of the International Association of Economic and Social Councils and Similar

Institutions. The objective of the meeting was to collect information on the advances achieved in the 10 years since the Beijing Conference, in preparation for the 49<sup>th</sup> Session of the Commission on the Status of Women – CSW/UN.

CEDAW - Article 3

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States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

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The Brazilian Government has adopted various measures in compliance with this Article of the Convention. Brazilian women have organized themselves in order to pursuit of equal rights and opportunities in different arenas. One of the fields in which they have been more successful is in the area of legislation.

The Women’s Caucus of the National Congress has been working in close cooperation with government, particularly the Special Secretariat on Policies for Women, holding seminars and public audiences in the House of Representatives and in the Federal Senate. They have established special commissions, and proposed bills and worked to pass legislation of direct interest to the Brazilian women.

It is worth mentioning that last February a meeting entitled “National Dialogue – Beijing+10 – Advances and Challenges” was organized by the Special Secretariat on Policies for Women and the National Council for Women’s Rights, with the support from the Women’s Caucus of the National Congress. Discussions centered on the advances and obstacles for the implementation of the Beijing Platform for Action in Brazil. This meeting was preparatory for the Brazilian participation in the 49<sup>th</sup> Session of the Commission on the Status of Women.

The process of elaboration of a non-discriminatory legislation is not only restricted to the Federal Executive. Many of the 27 States of the Federation now have legislative initiatives, on state and municipal levels, to promote equality between women and men. Some of these initiatives are worth mentioning:

- Law No. 14.714/2004 - establishes the “Day of Fight against Breast Cancer”, in the State of Goiás;
- Law No. 2.610/2003 - establishes the State Shelter Program for female victims of violence, in the State of Mato Grosso do Sul;
- Law No. 6.681/2004 - creates the State Council for Women’s Rights, in the State of Pará; and
- Law No. 12.630/2003 - establishes the State Program to Support Women in Violent Situation, in the State of Santa Catarina.

Under Recommendation No. 4, an important suggestion was made to prioritize the revision of discriminatory provisions in the Penal Code. As a result, on February 24, 2005, the Plenary of the House of Representatives approved seven Articles of the Senate's substitution to Bill No. 117/03, by Deputy Iara Bernardi. It modifies the Penal Code, taking out the expression "honest woman"; withdrawing the characterization of the crime of adultery; and changing the title of one part of the Code, which becomes "Pimping and Trafficking of Persons" instead of "Crimes against Customs", as it currently stands. This Bill will be forwarded for presidential sanction.

Other important changes introduced to the Penal Code are:

1. For the crime of kidnapping and false imprisonment, the sentence of two to five years in prison also applies to cases in which the victim was the companion of the perpetrator; the victim of the crime was a minor (less than 18 years old) or if the crime was committed for lecherous purposes.
2. For crimes against sexual liberty, one-half increases the sentence if the perpetrator is an ancestor, stepparent, uncle, brother, spouse, companion, tutor, guardian, instructor or employer of the victim, or if under any other title, has authority over her;
3. For the crime of inducing someone to satisfy the lasciviousness of another, the third party is also deemed to be a perpetrator of the crime for the purposes of determining the penalty.
4. For the crime of international trafficking in persons for prostitution, a fine is added as part of the penalty in all such cases, and a new Article is added to typify the crime of recruiting, transport, transfer, lodging or sheltering of a person who will be prostituting.
5. The provisions for extinction of punishability in the cases where the victim marries the agent or a third party are revoked, as well as the crimes of seduction of a virgin woman, kidnapping of an honest woman, kidnapping of a minor with consent and adultery. The Bill also revokes the reduction in the sentence for kidnapping for the purpose of marriage and establishes the cumulative application of a sentence for kidnapping with that for another crime that was perpetrated against the victim after the kidnapping.

Since the beginning of 2003, the Brazilian Government has also been the driving force behind a broad process to reform the Judicial Power. The main objective is to confer greater agility and transparency in the administration of justice in the country. Constitutional Amendment No. 45, approved in December 2004 and published in the Official Union Daily on the 31<sup>st</sup> of the same month, deals with the reform of the Judicial Power. Among other changes, the reform will put an end to the collective vacations for appeal courts.

This Amendment turns mandatory that the same courts be on duty on statutory holidays and weekends. In addition, the judicial proceedings will be distributed, at all levels of jurisdiction, immediately upon receipt. These measures will have a tremendous impact on the entire judicial system. They will most certainly benefit women, particularly the poorest and black women, which historically have enjoyed a lesser degree of access to the Judicial Power. This Constitutional Amendment also provides for the creation of mobile courts as part of the Regional Federal Courts, Regional Labor Courts and Justice Courts, as well as creates the justice ombudsperson offices, with

the mandate to receive complaints and allegations from any interested party against members or entities of the Judicial Power.

Another important aspect of this Amendment is the provision to allow, for example, a more direct application of international norms and conventions to protect human rights ratified by Brazil. Based on the Judicial Reform, these international norms lose their status as ordinary laws and, after approval by three-fifths of the votes in the House of Representatives and the Senate will have the same strength as constitutional amendments, and will be treated as such. This measure arises directly out of compliance with Recommendation No. 2, which suggests that Brazil clarify the situation of international treaties in the hierarchy of Brazilian laws.

The Judicial Reform includes another important change to guarantee human rights by allowing the federalization of crimes against the person: in cases of serious violations of human rights, the Attorney General of the Republic will be able to send any process or investigation to the Federal Justice. This ensures compliance with obligations arising out of international treaties Brazil is signatory.

As a result, international treaties, such as the American Convention on Human Rights, (the Pact of San Jose, Costa Rica), can effectively have a direct influence the procedures adopted by the courts. Another example of an international norm concerning women's rights that will gain more force after this Reform is the Inter-American Convention for the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará), adopted by the General Assembly of the Organization of American States on June 6, 1994, and ratified by Brazil on November 27, 1995. Cases, such as the petition filed by Maria da Penha Maia Fernandes, of the State of Ceará, in the Inter-American Commission of Human Rights, on August 20, 1998, have a greater chance of being reduced or even avoided.

With respect to the case of Maria da Penha, the Brazilian Government is striving to find a satisfactory solution. On December 4, 2004, a report on the merits (No. 54/01) was sent to the Inter-American Commission on Human Rights, of the OAS. The report contains considerations about the entities that are responsible for protecting women's rights and human rights.

In 2004, in terms of compensation, the Special Secretariat on Policies for Women, indicated Maria da Penha Maia Fernandes as a nominee for the Bertha Lutz Prize awarded by the Federal Senate. The Senate approved the indication. The Prize was awarded in a solemn session on March 10<sup>th</sup> of this year.

Various actions are being taken to ensure compliance with Recommendations Nos. 5 and 21, which deal with capacity building for legal professionals and for the public in general with respect to the Convention and its Optional Protocol. The Recommendations also deal with raising awareness about these international instruments for the promotion and defense of women's rights, in various ambits.

Specifically in relation to Recommendation No. 5, it is important to note that the Bill on Domestic Violence (Art. 8, section VIII) provides for capacity building for members of the Judiciary. The same provision is made in the National Plan on Policies for Women, and is also dealt with in the Judicial Reform.

An important example of actions undertaken by non-governmental organizations is the work of the Themis Assessoria Jurídica e Estudos de Gênero as part of the Training Program for Female Popular Public Prosecutors (PLPs). The Program, under way since 1993, trains community leaders, who reside in low-income communities located on urban peripheries, in the concepts of human rights, legislation, and the structure and functioning of the State.

Themis' methodology for training the Training Program for Female Popular Public Prosecutors (PLP) has already been reproduced by 40 other NGOs in 10 Brazilian States. The training efforts in the State of Rio Grande do Sul, which involved 11 entities from 11 different municipalities, resulted in the establishment of the State Network for Justice and Gender (REJG). In total, the partner entities have already trained around 500 PLPs and all of the new PLPs have already established themselves in their municipalities, in their respective units of the Information Service for Women. Between 2003 and 2004, the REJG organized a state-level campaign to combat sexual violence. The campaign built important partnerships with the judiciary, media and the field of academics. In the State of Rio Grande do Sul, more than 700 PLPs have been trained and approximately 200 are functioning as volunteers for the promotion and defense of women's human rights.

The success of the experience with adult women led Themis to consider the need to propose a similar type of training for girls and young women, in order to intervene as early as possible to prevent the violation of women's rights and to foster a cultural shift.

Thus, the NGO developed a pilot project for 2003 and 2004, training a group of girls and young women, in the 14 to 20-year age group. They were trained to be protagonists for the promotion of equality and human rights in the areas of gender, race, class and age – the Youth Educators in Citizenship (JMCs).

In 2003, the CEDAW Committee Recommendations were the subject of two publications. One was prepared by the Brazilian non-governmental organization, Actions on Gender, Citizenship and Development (AGENDE), a focal point in Brazil for the World Campaign "Women's Rights are not optional" for the ratification and use of the CEDAW Protocol. The other was a publication by the Brazilian Government that included an update of the report presented by Brazil, the responses of the Brazilian Delegation to the questions formulated by the Committee, and the Committee's recommendations to Brazil. The publications were distributed to the organizations that are part of the women's and feminist movements, parliamentarians and legal professionals.

In order to publicize the results of the Brazilian participation in the 29th Session of the Committee for the Elimination of Discrimination against Women, a Public Audience was held in the Chamber of Deputies in 2003, with the presence of the Minister from the Special Secretariat on Policies for Women.

The full text of these two important instruments can be accessed on the SPM website ([www.presidencia.gov.br/spmulheres](http://www.presidencia.gov.br/spmulheres)) and on dozens of websites of organizations from the feminist and women's movements, as well as websites of human rights organizations in general.

The theme of the Convention was discussed in different seminars, and was part of the "Regional Pilot Program for Prevention and Assistance for Intra-family Violence against Women", held in Porto

Alegre, in September 2003. The Pilot Program was organized by the Special Secretariat on Human Rights (SEDH); the Inter-American Development Bank (IDB); the United Nations Development Fund for Women (UNIFEM); and Themis – Assessoria Jurídica e Estudos de Gênero. It received support from the Special Secretariat on Policies for Women.

The initiative of the Alexandre Gusmão Foundation, of the Ministry of External Relations, should also be highlighted. In 2003, the Foundation published the book “In Defense of Women – International Instruments”, which includes the entire text of CEDAW and its Optional Protocol, the Convention of Belém do Pará, and the Beijing Program and Platform for Action, among others.

Important structures were created in different ministries and secretariats, with the declared objective of formulating policies that address of gender issues. Within the Ministry of Education, the establishment of the Department for Continuing Education, Literacy and Diversity (SECAD) was a step forward in this process.

#### CEDAW – Article 4

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1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

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During the period covered by this Report, a series of affirmative actions for women were taken. Some of the examples of these policies implemented in Brazil: quotas in the political arena; reservation of vacancies in training programs; and women as a priority in employment, living, and literacy programs for adults. CEDAW Committee Recommendation No. 17 suggests the adoption of special measures, of temporary nature, to accelerate the process for achieving equality.

In 2001, the Affirmative Action Program of the Ministry for Agrarian Development (MDA) recognized that credit destined for women comprised less than 10% of the grants given to settlers. In order change this situation, Administrative Ruling No. 121, dated May 22, 2001, established that a minimum of 30% of the resources from the National Program for Family Agriculture (PRONAF) should be preferentially given to agricultural women workers.

The Senior Citizen’s Statute (2003) has affirmative action provisions to the elderly. For example, government must reserve 3% of its units for senior citizens under the housing programs.

The Brazilian Government has taken different affirmative action. In addition to the quotas in the political arena (described under Article 7), the discussion on quotas for blacks in the universities is gaining force.

In December 2002, the Ministry of Education implemented the University Diversity Program, to encourage the promotion of equity and diversity in higher-level education for Afro-Brazilians,

indigenous people and other socially marginalized groups. The Program consists of: (i) assistance, in a participatory manner, in the formulation of policies and strategies for social inclusion and to fight racial and ethnic discrimination in middle and higher-level education; (ii) strengthening the capacity of the Ministry of Education to guide the formulation of these policies and strategies; and (iii) supporting, developing and evaluating innovative projects that could contribute to these policies and strategies.

The Ministry of Education (MEC), together with the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPPIR), created an Inter-Ministerial Committee for Affirmative Action Policies. The Committee drafted Bill 3,627/04, currently under examination of the House of Representatives, which established the Special System for Vacancies in federal public institutions in higher-level education for students graduating from public schools, particularly blacks and indigenous people.

Even before the Bill was presented, several public universities are already implementing the quota system. In 2003 the first institutions to embrace this system were: UERJ – Rio de Janeiro State University; UENF – North Fluminense State University; UNEB – Bahia State University; and UEMS – Mato Grosso do Sul State University. Two of those universities have women Deans – UERJ and UNEB (a black female Dean). In 2004, the University of Brasília (UnB) became the first federal university to implement a quota system based on race.

When the year 2004 ended 17 public universities – in 10 states (one with quotas only for indigenous people) and 7 federal (one with quotas only for indigenous people) – implementing the quota system for Afro-Brazilians and indigenous people. As the universities operate autonomously, each has a different percentage to implement the system. For example: the Federal University of Alagoas is the only one that specifies that, of the 20% Afro-Brazilians, 60% must women and 40% must be men.

In November 1994, MEC established the University for All Program (PROUNI), to grant full or partial scholarships of 50% and 25% for students in bachelor's level programs and other specific educational programs, in profit or non-profit private, higher-level education institutions. This Program is designed to implement affirmative policies for accessing higher-level education for disabled or self-declared indigenous or black people.

In December 2004, MEC launched a Preliminary Project for University Reform that governs higher-level education in Brazil. Section III – “Public Affirmative Actions and Policies” of this regulation deals with the establishment, by federal higher-level education institutions, of a system to set aside vacancies for public schools students. The percentage representation by self-declared blacks and indigenous people is decided in accordance with the percentage given by IBGE in each state.

Another aspect of the Brazilian Government's fight against racial discrimination is the teachers capacity-building workshops. They are part of the implementation of Law No. 10639/03, which addresses the teaching of Afro-Brazilian culture in schools.

Another important action undertaken by SEPPPIR is to make available a Graduate Specialization Studies on “Black Cultures in the Atlantic Diaspora” by the History Department at the University of Brasília (UnB). SEPPPIR funded the project by producing and distributing didactic material, divided

into 13 on-site modules, talks, seminars and the monograph defense. The project began in October 2004 and will continue until December 2005.

SEPPPIR also established educational and cultural campaigns to combat prejudice and discrimination. Examples of these campaigns: the “Affirmative Action – Positive Attitude” Campaign, organized jointly with the Center for Articulation of Marginalized Populations (CEAP); and the “Sergipe Equal for All” Project (Semear), with capacity-building training courses 150 Trainers, the distribution of pedagogic kits in the public network and workshops on racial equality for 630 people, in addition to a State Seminar on Affirmative Action.

On May 27, 2004, the Intergovernmental Forum for the Promotion of Racial Equality (FIPIR) was established through a proposal for joint work by SEPPPIR, involving the municipalities and states that have executive bodies with the responsibility to coordinate policies for the promotion of racial equality (secretariats, coordinating agencies, advisory bodies or similar entities). The main role of the Forum is to establish mechanisms to entrench racial equality and to contribute to the institutional strengthening of the institutions that are similar to SEPPPIR. A total of 40 Municipal Governments and 7 State Governments took part in this Forum through administrators designated by the mayors or governors.

Some pieces of legislation that benefit the disabled persons through affirmative action are worth mentioning: Law No. 8.213, dated June 24, 1991 requires that 2-5% of the positions in companies with more than 100 employees and 5-20% of vacancies in the civil service exams should be set aside for disabled people. Law No. 8.899, dated June 1994, provides for a program of free passes for disabled people on inter-state collective transport system. Law No. 10.182, dated February 12, 2001, provides for a tax exemption to buy cars; Law No. 10.226, dated may 15, 2001, addresses voting in political elections; Law No. 10.436, dated April 24, 2002, regulates the adoption of the Brazilian sign language for training courses in Special Education, Phonoaudiology and Teaching; and Law No. 11.096, dated January 13, 2005, establishes the “University for All” Program – PROUNI.

In addition, with the publication of Decree No. 5.296/04, the Special Secretariat on Human Rights (SEDH) guaranteed access to the Education System for disabled people. One of the provisions of the Decree lists the accessibility criteria (physical, communication and information) as a condition for the permit for operations, opening or renewal of a course.

Two new pieces of legislation address the issue of maternity. Resolution No. 15, dated November 27, 2003, changes the by-laws of the House of Representatives to provide for maternity leave for Federal Representatives. And, Law No. 10.710/2003 re-establishes the payment by enterprises of maternity salary due to insured employees and temporary workers. An attempt to transfer this payment to the National Institute for Social Security (INSS) caused enormous problems for women and was the reason why women’s social movements articulated actions, which comprised campaigns and seminars in order to ensure that the payment would be made by the enterprises.

Many of the actions undertaken by the Brazilian Government, which are described in the National Plan on Policies for Women, are based on the adoption of special measures to accelerate the process to achieve equality.



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## CEDAW – Article 5

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States-Parties shall take all appropriate measures:

- a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
  - b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.
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The Brazilian Government has implemented various initiatives in compliance with Article 5 of the Convention.

In 2003, the Federal Government launched the National Plan on Education in Human Rights (PNEDH), giving continuity to the National Program for Human Rights (Federal Decree No. 1,904, dated May 13, 1996). The Government believes that education is a powerful tool to effect change in socio-cultural patterns. The Plan results from work by the National Commission on Education and Human Rights, constituted by Presidential Order, bringing together specialists and administrators from the Ministry of Education and the Special Secretariat on Human Rights.

The Plan is a guide instrument and encourages educational actions in formal and informal education, in public and private spheres. More specifically, the Plan proposes actions and goals for five different axes: 1) Basic Education: Early Childhood, Elementary and Middle Schools; 2) High Education; 3) Informal Education; 4) Education for Professionals in the Justice and Security Systems; and 5) Education and the Media. Among these, the goals directed at guaranteeing the commitment by State Government police institutions to the systematic inclusion of human rights training in the education and continuing education activities for police stand out.

The principles of respect for gender diversity and the fight against discrimination against women are the basis of the Plan, according to which “to educate in human rights is to foment formal and informal education processes, in order to contribute to enhance citizenship, knowledge of the fundamental rights, respect for pluralism and for sexual, ethnic, racial, cultural and gender diversity, as well as diversity in religious beliefs”.

Between 2005 and 2006 meetings will be held in all States of the Federation. Central actors to the implementation of the Plan will be invited, among who educators from the state and municipal education networks, and people responsible for the civil police, military, firefighter and municipal guard academies.

The National Department of Public Security (SENASP), of the Ministry of Justice, has dedicated special attention to of police instruction and, particularly, to the incorporation of themes, concepts and values of human rights into the exercise of police activities. One of the activities undertaken that is particularly noteworthy is the decision to distribute one-quarter of the National Fund for Public

Security among the states, upon an evaluation of merit criteria. Among those is the requirement for systemic work on education in human rights for public security agents. SENASP is also investing in training of experts in public security, through specialization courses that include human rights as a transversal theme.

By 2002, the Special Secretariat on Human Rights had supported capacity-building courses for over 30,000 public security agents across the country, in partnership with non-governmental organizations. The objective was to rescue the police's mission, self-esteem and protagonism in the promotion and defense of human rights.

Recommendation No. 6 calls for the elimination of the traditional stereotypes for family roles and to provide encouragement for the media to project a positive image of women. To this end, the Ministry of Justice initiated, in 2003, a national debate on the criteria used in the classification of cinema and television's content. The main objective is to ensure that the classification system protects children and adolescents in the most effective way as possible, in compliance with the 1990 Statute for Children and Adolescents (ECA). The Statute is the basis for the Ministry of Justice's classification system.

The first step was to revise the administrative ruling relating to the cinema, video and DVD markets. The idea was to share the responsibility for what is viewed by minors (under 18 years) between the State, family and society in a better way. Thus, a new level of classification was introduced for 10 year olds, and the others, for 12, 14, 16 and 18 years were upheld. Children and adolescents can also watch films rated for an age group immediately above theirs if they are in the company of their parents or legal guardian, as long as these are not under 18 years old.

In order to increase society's participation and understanding of the classification process, the Ministry of Justice widely publicizes the requests made by film producers. The process can be accessed through the Internet, on the Ministry of Justice website. Thus the Internet users will be able, for instance, to know the line of argument advanced by the producers in support of a classification for 12 or 14 years old. Also, anyone can verify the classification granted by the Ministry and compare it with the classification level obtained by the same film in other countries. The idea is to encourage debate on the cultural content being exhibited in the country.

Specifically with respect to the image of women in the media, the most important initiative will begin in 2005 with the discussion on the classification criteria for television content. Today, three themes form the basis for the Ministry of Justice's work – degree of violence, sex and drugs. Depending on the impropriety of the program content, the program may be scheduled for a later time of night.

The Ministry of Justice is in the process of elaborating a list with other relevant themes that could also be taken into consideration for the purpose of classification. Of particular interest to the issue of gender, are violence against women, human trafficking and gender discrimination. This list of topics is the starting point for a larger debate that will be promoted by the Ministry, with the society at large, including with broadcasting stations and other cultural producers.

The idea is to contribute to improve the quality of television and to assist media to more effectively contribute to eliminate prejudices, to form social values as well as to promote an attitude of citizenship.

In Brazil, the television channels are public concessions. The central objective of this discussion is to fully protect children and adolescents, as established by the ECA. Issues relating to race and ethnicity are also included in this list of topics, which is the starting point to a national debate. Civil society organizations that are concerned with the quality of television are working together with the Ministry of Justice in the process of revising the criteria of classification.

The number of publications on women's rights and gender equality has also increased, such as the material being published by the House of Representatives and the Senate, Federal Government and by different ministries and special secretariats.

The Special Secretariat on Policies for Women (SPM) has also undertaken a series of actions directed at modifying discriminatory socio-cultural patterns.

With reference to the subject of violence, the SPM supported three campaigns: 1) "Where There is Violence, Everyone Loses", organized by the non-governmental organization Patrícia Galvão Institute. 2), "Life without violence is a woman's right – 16 days of activism for an end to violence against women", carried out by the NGO Agende. 3) "Violence against women is not a joke" developed by the NGO Papai, with a view to bring men to combat violence against women.

The SPM also developed the institutional campaign, "Your life recommences when the violence ends", and distributed to the Reference Centers, Councils and Coordinating Agencies for Women throughout Brazil a kit with material on violence.

On March 5<sup>th</sup>, as part of the commemorations of the International Women's Day (March 8<sup>th</sup>), the SPM inaugurate the radio program "Womankind – The Many Faces of Brazilian Women", developed in partnership with Radio MEC. Womankind is a radio review that provides a portrait of the various faces of the Brazilian women, in all their diversity.

The program is broadcasted weekly, and retransmitted by various radio stations throughout the country, through the Brazilian Radio System (RADIOBRAS). The 53-minute program addresses themes such as health, politics, environment, women's rights, successful female experiences, etc. Womankind will also present practical examples of the impact, on women's daily life of the implementation of the National Plan on Policies for Women.

#### CEDAW - Article 6

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States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

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During the period covered by this Report, the Brazilian Government adopted a series of measures to combat traffic in persons, sexual exploitation for commercial purposes and violence against women. These measures also implement CEDAW Committee Recommendations Nos. 8, 9 and 10 to Brazil.

In March 2004, Brazil ratified the United Nations Convention against Transnational Organized Crime (“The Palermo Convention”) and its protocols.

In order to combat the trafficking in persons, that involves mostly women, the Ministry of Justice, through the National Secretariat of Justice, in partnership with the Special Secretariat on Human Rights, developed the project, “Measures against Traffic in Human Beings in Brazil”. It is a pilot project coordinated by the Brazilian Government and the United Nations Office for Drug Control and Crime Prevention – UNODOC, in consonance with the United Nations Global Program against Traffic in Human Beings. The Project prepared a diagnosis of the situation and held three seminars for people working in law and public security, for a total of 300 participants from the States of Ceará, Goiás, Rio de Janeiro and São Paulo. In October 2004, a campaign to increase the understanding and awareness of trafficking was held in the State of Goiás.

Children’s protection has been a central concern of the Federal Government. Article 227 of the 1988 Brazilian Constitution incorporated the legal doctrine of Full Protection of Children and for the first time in Brazil’s history children are given absolute priority.

The approval of Law No. 8.069/90, known as the Statute for Children and Adolescents, which regulates Article 227 of the Federal Constitution, was another landmark in the fight for full protection of children and adolescents in Brazil. This legislation covers approximately 40% of the Brazilian population. According to the Statute, a child is a person between zero and 12 years of age, and an adolescent is between 12 and 18 years of age.

Contrary to the legal advances, the violation of the human rights of children, particularly of girls, appears to be a generalized and growing phenomenon throughout Brazil.

Exclusion, social inequality that has become ever more instigating, urban poverty, precarious nature of rural life, internal and international migration in search of better standard of living, and the loosening of community ties are all factors that render children more vulnerable, particularly girls and children living in the greatest poverty. They become easy prey of organized crime, such as sexual tourism, trafficking and sexual exploitation for commercial purposes.

The Federal Government, through the Special Secretariat on Human Rights (SEDH), has undertaken various actions to combat commercial sexual exploitation of children and adolescents in Brazil. Trafficking in girls and boys, sexual tourism and commercial sexual exploitation are priorities that require actions based on the provisions of the National Plan to Combat Sexual Violence against Children and Adolescents, which include an analysis of the situation, mobilization and articulation, defense and ascertaining responsibility, care, prevention and child-youth protagonism.

In order to integrate these lines of action, the Program for Integrated Actions to Confront Sexual Violence against Children and Adolescents in Brazil (PAIR) is being developed since 2003. It is based on a partnership between the Special Secretariat on Human Rights of the Presidency of the Republic, Ministry for Social Development and the Fight against Hunger (MDS), Ministry of Health, Ministry of Justice, Ministry of Education, Federal University of Mato Grosso do Sul, USAID/Partners and the International Labor Organization.

The PAIR is being implemented in six pilot municipalities, carrying out studies to analyze the situation, mobilization, care, defense and ascertainment of responsibility, and campaigns of social awareness. It also promotes the participation of actors from the system for full assistance and promotes youth activism in the establishment and implementation of Local Operational Plans, provides training for the local network of the System to Guarantee Rights, and provides a permanent technical advisory program.

The Research on Traffic in Women, Children and Adolescents for Commercial Sexual Exploitation (PESTRAF), published in 2002, established that the network of facilitators are organized by recruiters, landlords, workers and other types of intermediaries. They disguise themselves as legal and illegal commercial enterprises that operate in various areas, such as tourism, entertainment, transport, fashion, culture, pornography industries and service agencies. In general, they rely on technology that facilitates the enticement, transport, lodging, vigilance and control of their actions. They can also assemble and disassemble their infrastructure with ease.

Another action that contributes to a more accurate diagnosis of the phenomenon in Brazil is the re-implementation of the Child and Adolescent Sexual Abuse and Exploitation Toll Free Number: 0800-990500. This is a partnership between the SEDH/Presidency of the Republic, Ministry of Health and Ministry of Tourism. Notification is the first step in combating impunity, protecting the victims and ensuring their rights. One of the changes makes the Brazilian Government directly responsible for the implementation and monitoring of the entire notification process, the preparation of statistical reports to support the efficient operations of the system and for forwarding the notifications, on a daily basis, to the State Public Ministries and the Guardianship Councils.

The areas addressed by the system are: abuse, injury, sexual abuse and commercial sexual exploitation, intra or extra-familial. Of the allegations of sexual exploitation, 55% involved female victims, 22% involved male victims and, in 23% of the cases, it was not possible to identify the gender of the victim or the incident involved both sexes.

The creation of the Inter-Sectoral Commission to Combat Sexual Violence against Children and Adolescents is of particular note for the purposes of articulation and mobilization. It operates under the coordination of the Special Secretariat on Human Rights and it is its responsibility to integrate federal public policies and to articulate with non-governmental organizations the society's participation.

The Executive, Legislative and Judicial Powers, as well as the Public Prosecutor, international organizations and civil society organizations, notably the National Council to Combat Child-Youth Sexual Violence and the National Council for the Rights of Children and Adolescents (CONANDA) comprises the Commission.

In 2004, the Commission played an important role in the activities of mobilization for the National Day to Combat Sexual Abuse and Exploitation (May 18). Next, the Commission committed itself to structuring and elaborating an Inter-Sectorial Framework on Sexual and Commercial Exploitation of Children and Adolescents – (ESCCA), with the support of UNICEF and technical assistance from the Violas Group, of the University of Brasília. The Federal Government officially presented the Framework to Brazilians on January 28, 2005.

The matrix is a survey that provides input for public policies to tackle the problem of sexual violence against children and adolescents in the country. With these data in hand, federal public policies will be developed to address the impunity, and to implement, protect and grant the rights of Brazilian children and adolescents.

The Framework contains a geo-social map of the Brazilian towns based on data from a study made on the subject, information collected through the Notification System and recommendations from the Mix Parliamentary Inquiry Commission (CPMI) on sexual exploitation of children and adolescents in Brazil. It is a tool based on systematic information (quantitative and qualitative) that will facilitate the analysis, orientation, organization and formulation of public policies. The objective is to analyze the situation of commercial sexual exploitation of children and adolescents, and the public policies to combat the phenomenon, as well as to provide input for expanding the policy to combat exploitation. The Framework also includes the existing legislation on the theme.

The Framework identified more than 937 Brazilian municipalities and localities where commercial sexual exploitation of children and youth occurs. Of the total, 298 (31.8%) occur in the Northeast Region, 241 (25.7%) in the Southeast, 162 (17.3%) in the South, 127 (13.6%) in the Central West, and 109 (11.6%) in the North.

The Framework also lists a total of 1,622 defense organizations. Of these, 1,375 tend for children and adolescents, 150 assist women and 97 address community issues. There are 837 Guardianship Councils, 221 Public Prosecutor's Offices for Children and Adolescents, 202 Child and Youth Courts and 119 Municipal Councils for Women. Also listed are 669 police stations, of which 407 attend the community, 223 assist women, 28 assist children and adolescents, and 11 assist women, children and adolescents.

With all of this information, the Federal Government is articulating with ministries, states and municipalities, action plans to tackle the problem where it has been identified, and to reinforce protection and care mechanisms for victims, as well as mechanisms for defense and conviction in order to combat impunity.

In addition to these activities, the Inter-Sectoral Commission created two thematic sub-commissions: One, that was established to combat child pornography (SPTIN), has already prepared a proposal for a national plan to combat the crime. Participants in the Plan include various police departments, businesses and associations, such as the Brazilian Association for Internet Providers (BRANET). The other is formulating government actions to combat sexual tourism involving children and adolescents, considering the finding that this continues to be the impetus for trafficking in children and adolescents in the interior regions of Brazil. The Brazilian Government has directly addressed this problem through publicity campaigns in airports, and on national and international flights – the result of a Technical Cooperation Agreement entered into between the SEDH and the Airport Infrastructure Agency (INFRAERO); the elaboration of a tourism code of conduct to combat sexual and commercial exploitation of children and adolescents; and training programs for the Federal Police on the fight against traffic in human beings, pornography, etc.

The SEDH funds projects by governmental and non-governmental institutions that include actions to prevent, to train and assist the victims. In 2004, a total of R\$ 1,552,624.00 in public resources and R\$

321,799.69 in resources from the National Fund for Children and Adolescents (FNCA) were disbursed to finance these projects.

Over the past two years, capacity-building exercises have been held for the prevention of the sexual exploitation of children and adolescents. A partnership with the Social Transport Service (SEST) and the National Service for Transport Training (SENAST) resulted in the design of a capacity-building program for 25,000 motorists, through the National Transport Confederation (CNT) network.

The Federal Highway Police mapped the points of female prostitution, including that of adolescents, along the federal highways. The results of the study are an important source of information for the Brazilian Government's activities.

The Sentinel Program, jointly undertaken by the Special Secretariat on Human Rights and the Ministry of Social Development and the Fight against Hunger, is responsible for the social-welfare protection service in Brazil. It works in 336 municipalities through the Service and Reference Centers the goal is to establish 850 Centers by the year 2007. It has an installed capacity to tend to 17,870 children and adolescents victims of sexual violence. Despite this capacity, the Sentinel Program has already assisted approximately 26,000 children and adolescents involved in situations of sexual violence. In 2004, the Program invested R\$ 27,550,000.00 in its activities.

In September 2003, the Federal Government published the "School Guide: Method for Identification of Signs of Abuse and Sexual Exploitation of Children and Adolescents". To date, 53,000 Guides have been distributed throughout the country. The Guide is a resource for educators to learn how to identify signs of sexual abuse in children.

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In September 2004, the Special Secretariat on Human Rights initiated the Project for Integrated Action for Institutional Strengthening to Combat Commercial Sexual Exploitation and the Trafficking of Boys and Girls. The objective of the Project, funded by the International Labor Organization and the Secretariat, is to strengthen the assistance and defense network for children, particularly girls, victims of sexual violence.

Another initiative of the Federal Government, through the Ministry of Tourism, is aimed at curbing the practice of sexual tourism in the country. In December, during the World Forum on Sustainable Tourism and Childhood, held in Bahia, The Ministry of Tourism launched a campaign to combat the

Sexual Exploitation of Children and Adolescents with the slogan “Become aware. Mobilize. Prevent sexual exploitation of children. Brazil. One who loves protects”. The objective of the campaign is to make the tourist aware that he is a protector of children.

The Brazilian Government, in a coordinated action, included subjects in the Police Academy courses that teach the value of diversity in gender, sexual orientation, race and ethnicity, social class and religious belief. The curriculum framework forms a reference point for educational actions to be implemented in all of the Police Academies in the country, in compliance with the National Plan for Public Security. This is a step forward in the training for Public Security professionals that guarantee a more welcome approach to women in violent situations. It is also an important conquest for the women’s and feminist movements, which have had these issues on their agendas since the 80s.

In 2004, a pedagogic workshop was organized by a partnership between the Special Secretariat on Policies for Women, the National Secretariat of Public Security (Ministry of Justice) and the Ministry of Health. The Workshop involved 15 experts on violence who work in the areas of public security, health and gender. They prepared the program content and methodology to be adopted for the new capacity building training that will be supported and directed by the assistance network in 2005.

Also, negotiations were initiated with the State Security Secretariats to carry out training courses for officers of the Special Police Stations to Assist Women (DEAMs) in the States of São Paulo, Minas Gerais, Espírito Santo and Paraná. This year, courses to train 160 professionals from 13 police divisions will take place in Espírito Santo and Paraná.

In 2005, 1,200 officers from São Paulo, Minas Gerais and Tocantins will be trained, completing the training process. The training is undertaken in partnership with the non-governmental organization, Citizenship, Study, Information and Action (CEPIA) and other institutions, which guarantees an open and democratic process, consolidating the policy of civil society participation and establishing a network of assistance services.

In 2004, the Special Secretariat on Policies for Women assisted in the realization of training courses in the Municipalities of Teresina, Palmas, Foz do Iguaçu, Salvador and Campo Grande. The courses were for DEAMs’ officers, people working in the Shelters, in Reference Centers, in Public Defender’s Offices, and in Secretariats for Social Assistance, Health and Education, encompassing around 120 professionals who directly assist people. The professionals were trained in the concept of working in networks and having a humanized approach to their work.

The Brazilian Parliament has been developing an important work to promote and defend the rights of the children. In 1993, the Parliamentary Front for Children and Adolescents was established to launch the National Campaign to End Violence, Exploitation and Sexual Tourism of Children and Adolescents. The Front also presented the Bill that instituted the National Day to Fight the Abuse and Sexual Exploitation of Children and Adolescents. In April 2003, the Parliamentary Front was reinstalled, bringing together Representatives and Senators, setting a record for the number of parliamentarians ever participating in a Parliamentary Front: 200 members fighting for the rights of children and adolescents and for public policies committed to the principle of full protection of the children.



In 2003, a Mixed Parliamentary Inquiry Commission - CPIM (Federal Senate and House of Representatives) was created to investigate the networks for the exploitation of children and adolescents working in the country. The inquiry was carried out between May 2003 and June 2004, and issues a Final Report that was published in the National Congress Daily in September 2004. The CPMI was presided over by Senator Patrícia Saboya, and the Inquiry Rapporteur was Federal Representative Maria do Rosário.

The Mixed Parliamentary Inquiry Commission Report (CPMI) on commercial sexual exploitation of children and adolescents disclosure represented a significant advance in the analysis of the situation of this crime in Brazil. In addition to present allegations of exploitation, the CPMI proposed significant changes in legislation and suggested that the emblematic cases that came out of the results of this investigation should be forwarded to the courts.

The CPMI highlighted the discussion on the violence and sexual exploitation perpetrated against children and adolescents in Brazil. It gave visibility to a crime present in all of the Brazilian States. Its report presented several recommendations for public policies needed to address this crime. It also presented proposals for legislative changes to combat impunity by rendering the legal penalties more adequate and rigorous for those who practice the crime of children exploitation, closing legal loopholes that allow for impunity for the recruiters. In addition, the CPMI identified the trafficking routes for girls and boys, investigated allegations of exploitation and named approximately 250 people suspected of involvement in the crime of sexual exploitation.

Brazil has also taken on the fight against another form of violation of the rights of children – child labor. In Brazil, from the 78 million people that comprise the workforce, approximately 4.5 million are working children and adolescents. Of those, 47% are between 14 and 15 years old, 44% are between 10 and 13 years old, and 9% are between 5 and 9 years old. Studies revealed a large number of rural establishments using child labor; 14 year-old minors comprise 30% of the workforce on small livestock farming ventures in five Brazilian States. According to data from the International Labor Organization (ILO), of the total of the domestic servants in Brazil, more than 500,000 are children and adolescents, mostly female and half of those girls are Afro-descendants. Of this total, 30% began working at 5 to 11 years old; 26% do not study; 53% work more than 40 hours per week; 56% do not get holidays; 2.5% do not receive any kind of payment, while 64% receive less than half of a minimum wage; and most of them do not know their rights.

Brazil has implemented a Program for the Eradication of Child Labor (PETI), which currently assists more than 813,000 children and adolescents working outside the home and not attending school. The Program operates in 2,608 Brazilian municipalities and has received funds of 634 million reais over the last 15 months.

The government has also been concerned about situation of imprisoned women. In 2004, a public audience was held in the Ministry of Justice, in which took part officials working to implement sentences in the Brazilian prison system, the Brazilian Bar Association (OAB), members of state prison councils, members of the Public Ministry, public prosecutors and defenders, state Departments of Justice, the Public Security and Prison Administration, judges and lawyers. During this event the

Special Secretariat on Policies for Women (SPM) proposed changes in the criteria of the Presidential Pardon Decree.

The Special Secretariat on Policies for Women, the Special Secretariat on Human Rights and the Ministry of Health prepared and publicized Inter-Ministerial Administrative Directive No. 1.426/2004 containing Guidelines for the establishment and implementation of health care for adolescents in conflict with the law, in regime of incarceration or temporary incarceration. For the first time, the Brazilian Government is including female adolescents in conflict with the law, when discussing actions for this sector.

Based on Administrative Directive, the No. 1.426/2004, Brazilian Government committed itself to promote capacity building in gender for adolescents and professionals caring for convicted or temporarily detained adolescents in conflict with the law. Besides it is also committed to provide gender mainstreaming into social programs devoted to this public, support the creation of mechanisms that give information to these adolescents and follow up actions intended to guarantee health and rights of adolescents in conflict with the law convicted or temporarily detained.

The program content for the capacity-building course will be elaborated upon completion of the pedagogic project study for each institution. In partnership with the Women's Councils and Coordinating Agencies, a course will be offered to train adolescents and representatives from law enforcement that assist convicted or temporarily detained adolescents in conflict with the law.

The data that reveal the extent of the social exclusion and poverty in Brazil also demonstrate that the women suffer the most perverse effects, exacerbated by the phenomenon of violence. This violence manifests itself in many different forms: women's most basic rights are continually violated; their integration into labor market is hindered; and their access to health, education, basic sanitation, living accommodations services, etc. is restricted. And all this is in addition to be continually victimized by male violence, almost always resulting in physical, psychological, economic and sexual trauma.

The draft of a legislation dealing specifically with domestic violence against women follows the recommendations of the Committee for the Elimination of Discrimination against Women (CEDAW Committee), which advises Brazil to adopt the necessary measures to prevent and combat violence against women, punish the aggressors and provide assistance to the victims.

The Brazilian Government created, through Presidential Decree No. 5.030, dated March 31<sup>st</sup>, 2004, an Inter-Ministerial Working Group to draft a bill and devise other instruments in order to curb domestic violence against women in Brazil.

A consortium of feminist non-governmental organizations presented a proposal for a bill to prevent, punish and eradicate domestic and family violence against women. The bill represented an input for the Working Group's discussions.

Hearings were held with representatives from civil society and of institutions directly involved in combating violence against women to provide a vision of the present context with respect to the issues of domestic violence.

The Working Group also held a workshop, called “Encounter of Perspectives”, to enlarge the debate and receive contributions to draft the bill on violence against women. The main objectives were: a) to build awareness and establish partnerships with the Public Ministry, Special Criminal Courts, Public Defenders, Bar Association and the Bench to revise the Brazilian legislation on violence against women; b) reflect on the role of these sectors in the prevention and punishment of violence against women, and on giving assistance to the victims; c) publicize and discuss the international commitments assumed by the Brazilian Government in the areas of prevention and combating violence against women, and provision of assistance to the victims, particularly the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará, 1994), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1981) and the Plan of Action of the Fourth World Conference on Women (Beijing, 1995).

The Working Group’s final product was Bill No. 4.559/2004, presented to the National Congress on November 25, 2004. The Bill provides for the creation of mechanisms to curb domestic and family violence against women, under the terms of paragraph 8, Article 226 of the Federal Constitution.

The Bill delimits the assistance to women who are victims of domestic and family violence by incorporating the paradigm that the power hierarchy in our society does not privilege women. It also incorporates the principles of affirmative action.

The preliminary provisions of the Bill set out the rules arising from the international conventions and aspire to provide women throughout the country with a categorical and full understanding of their fundamental rights, as provided for under the Federal Constitution. The overall objective of the Bill is to endow women with the possibility for greater civil participation and an awareness of the existent resources, in order that they can position themselves within the family and society.

The Bill establishes guidelines for public policies and integrated actions by the public authorities, within all of the governmental bodies and spheres of operations. It also establishes guidelines for the media and the society at large, to prevent domestic violence against women, understanding that the solution to this problem requires changes in cultural values.

In the articles that deal with police service, changes were introduced with respect to procedures in reporting incidents that involve violence against women.

The proposed changes were innovative with reference to the Public Prosecutor legal action, free legal assistance, multidisciplinary care team and writ of prevention that can be applied both in the present Special Jurisdiction and Special Criminal Courts, and in the Special Courts for Domestic and Family Violence, to be created by the states.

The Bill proposes the guarantee of the Public Prosecutor’s full participation in cases of domestic violence, intervening in the civil and criminal cases in which he or she is not a party. The Public Prosecutor will also have the power to ask for the police intervention and the collaboration of the public services, in addition to supervise the public and private establishments that care for women under a situation of violence.

With respect to Free Legal Assistance, the Bill provides for the possibility of full legal assistance, including legal counseling or information on the rights of women as a means of guaranteeing access to justice.

As for the Multidisciplinary Care Team, the proposal set by the Bill is extremely important, because this team will comprise professionals from various backgrounds, such as doctors, psychologists, social workers and lawyers. The objective is to facilitate an understanding of the causes and mechanisms of violence.

With reference to the writ of prevention, the Bill provides for the expansion of the role of protection mechanisms, both in relation to the aggressor and in relation to the measures for protecting women victims. It will provide the judge with the choice of the most suitable measure to each case, in both the civil and criminal areas.

All of these procedures can be applied in the current common jurisdiction and courts, yet the Bill proposes as an immediate objective that Special Jurisdiction and Courts for Domestic and Family Violence against Women be created, dealing with civil and criminal cases. It is recognition of the fact that the best judicial structure to assist women under violent situations is these Special Jurisdiction.

Since the current Courts do not attend on an urgent and global basis, they have placed the woman and her family at risk. In addition to the penal measures to be imposed, there are civil measures to be judged. With the creation of the new special courts, with civil and criminal jurisdiction, the judge will be endowed with greater competence to judge these cases, thereby facilitating women's access to justice and the resolution of conflicts.

However, respecting the provisions in paragraphs 1 and 2 of article 24 of the Federal Constitution, which determines that "within the scope of concurrent legislation, the Union's competence is limited to establishing general norms", not excluding the supplementary competence of the states, the Bill proposes the creation of Special Jurisdiction and Courts for Domestic and Family Violence against Women.

The Bill also innovates prohibiting the imposition of penalties restrictive of right to monetary contributions, such as the obligation of giving out basic food baskets, and fines. Currently, this type of penalty is commonly imposed by the Special Criminal Courts to the detriment of the victim and her family.

Finally, the Bill foresees a change to article 313 of the Penal Process Code, to add a new basis for preventive incarceration, when the crime involves domestic or family violence against a woman, irrespective of the penalty that is applied.

In another measure against domestic violence, the Special Secretariat on Policies for Women of the Presidency of the Republic established an Ombudsperson Office in March 2003, by Decree No. 4.625 (Article 3, section VIII). The objective is to attend demands related to allegations of discrimination and violence against women by assisting the plaintiff in the preservation, guarantee and defense of her

individual and collective rights before the Executive, Legislative and Judicial Powers, or civil society. Also of importance is to make the user feel satisfied.

The Ombudsperson's Office is a channel for direct access to ensure that women's voices are heard and valued. It is the forum where allegations and complaints relating to discrimination and violence against women can be heard.

The Ombudsperson Office was conceived to serve as an intermediary between the population and the Public Administration, and to demonstrate to women that they can and should participate in an active manner in the social control of the Administration. The Ombudsperson office is the link capable of maintaining and refining the democratic state of law.

After being received by the Ombudsperson Office, the complaint is forwarded to the respective competent body for investigation. The Ombudsperson Office follows up the case until the final decision. It offers women an empowering forum to overcome the problems she deals with on a daily basis.

For the purpose of its specific routine procedures, the Ombudsperson Office has the mandate to: attend to the Secretariat's requests, which are sent through emails, letters and telephone calls, assisting the requesting party in the defense and guarantee of women's human rights; present information and provide guidance, keeping in mind the complaints, claims and allegations made regarding violence, discrimination and social exclusion; articulate with public entities and services that provide assistance and attend the specific needs of women; send documents to the competent authorities, advising them on the issues presented; forward and accompany cases, in accordance with the priorities; and organize and undertake legal interpretation of the requests received, producing statistical surveys for studies and quality control of the services rendered, maintaining an active system and updating data for the dissemination of information.

On November 24, 2003, the President of the Republic, Luis Inácio Lula da Silva, sanctioned Law No. 10,778, which establishes the requirement for compulsory notification, by the public or private health care service where she is attended, in case of violence against a woman.

The Ministry of Health published Administrative Directive No. 2.406, dated November 5, 2004, which "institutes the service for compulsory notification of violence against a woman, and approves the instrument and administrative channeling of the notification (...) of the cases of violence against a woman to the Single Health System". This will "facilitate a diagnosis of the magnitude of the problem, to characterize the circumstances of the violence, and the profile of the victims and aggressors, as a contribution to the development of policies".

The prevention and treatment of injuries resulting from domestic and sexual violence have been priorities of the Ministry of Health since 1998. The Technical Area for Women's Health constituted, from 1999 to 2002, a Thematic Forum on Domestic and Sexual Violence, with the participation of organizations from the women's movement and specialists. They defined and monitored the policy guidelines and strategies that guided the actions undertaken.

The actions developed give priority to the introduction of local policies to prevent and treat of injuries resulting from violence against women. These policies would be developed through the technical and financial support of projects to implement integrated networks and foster an exchange of experiences from different regions of the country.

The National Plan on Full Attention to the Health of Women – 2003-2007, in its Objective 4 - to promote the care to women in situation of domestic and sexual violence-, are established the base and presented the indicators that render the attention to domestic and sexual violence an integral and indivisible part of the objectives to achieve the humanization, quality and completeness of the attention, from a gender and ethno-racial perspective. Strategies to expand the services and, in particular, to introduce the issue of domestic violence were planned as part of the conception of an assistance network. The introduction of the issue of domestic violence stands out in the Plan.

In 2004, resources from the National Health Fund were distributed in support of 18 joint projects between municipalities and states. The objective of the projects is to promote the women's health that live in situations of sexual or domestic violence by establishing integrated networks and promoting an exchange of experiences from different regions of the country. The resources were applied in personnel capacity building, production of educational and instructional material, organization of events to divulge the services and establishing an assistance network.

The Brazilian Government has invested in increasing the number of reference services. Until 1997, there were 17 Reference Services for Full Assistance to Women in Situations of Violence. In 2004, there are 250 reference services to care for women and adolescent victims of sexual violence. These Reference Services have emergency anti-conception services, including 77 hospitals, 173 health centers and 44 legal abortion services. This number is expected to increase by 30% in 2007.

Although almost all of the Brazilian States are working to introduce networks for integrated care and establishing partnerships with the security and justice areas, most of the services are situated in the South and Southeast Regions. The North Region has the least number of units that offer this kind of care.

The Brazilian Penal Code, in Article 128, sections I and II, sets out the only cases in which an abortion is allowed by law – pregnancy resulting from rape or in the cases where a woman's life is at risk.

In 1989, in Brazil, the first Legal Abortion Service was created in the Jabaquara Hospital, in São Paulo, to assist women in the cases foreseen by the Law. The offer of this type of service grew significantly in the country as a result of demands by the women's and feminist movements, lobbying by health professionals, and commitment by the Executive Power. Currently, 44 Legal Abortion Services exist throughout the five regions of the country.

The Brazilian Government has invested in the publication of instructional materials. Normative documents were produced to guide practices by the health services and community actions. Some examples of these publications include: technical norms in support of the implantation of care for the female victim of sexual violence, including orientation on the prevention of pregnancy in a post-rape scenario – emergency birth control; prevention of sexually-transmitted diseases; psychological

assistance; clinical and gynecological care; Booklet No. 8 on Basic Care in Situations of Intra-Family Violence, for Family Health Teams (2002); pamphlet on Human Rights and Intra-Family Violence (2001), directed at the 150,000 Community Health Agents (2002); Guidelines for the Use of Post-Sexual Exposure Prophylactics for STD, HIV and Hepatitis B (Annex to Technical Norm, 2002); Recommendations for Psycho-social Support for Victims of Violence (Annex to Technical Norm, 2002); and a pamphlet on the basic concepts of violence, to assist health professionals in filling out the form for Compulsory Notification in the case of Violence against Women – Law 10.778/2003.

The Study, “Impact of Violence on the Health of Women and Children”, undertaken by the World Health Organization – WHO in eight countries, including Brazil, documents the risks and consequences of violence on the health and life of women. Violence contributes to an increase in suicide and alcoholism, exacerbates health problems and even reflects in failing grades for the children.

The Brazilian Government has been active in expanding and improving the public infrastructure to prevent violence and assist women in violent situations. There are currently 86 working Shelters, 21 Reference Centers, and 9 Women’s Public Defending Councils and Specialized Centers for Women. In 2004, 17 Shelters, 14 Reference Centers and 3 Public Defenders Offices and Specialized Centers for Women were also supported with resources from the SPM.

The Special Police Stations for Assistance to Women (DEAMs) plays a very important role in combating domestic and sexual violence. According to a 2003 study undertaken in Brazil by the Brazilian Institute for Geography and Statistics (IBGE), there are 404 services to assist women in violent situation, including the DEAMs, specialized police centers within the standard police departments, and others. The Brazilian Government has invested in restructuring, training, and technical and policy support for these police stations. In 2004, it assigned resources to restructure 50 police stations (2 per state) and, by the end of 2007, the government will invest in 150 more police stations, providing them arms, vehicles, computers, printers, etc.

In 2004, the Research Department of the National Department of Public Security (Ministry of Justice) in partnership with the Special Secretariat on Policies for Women, undertook an “Analysis of Information and Development of Public Security Personnel”. An analysis of the “Organizational Profile of the Special Police Departments for Assistance to Women” was carried out to evaluate their operational conditions, available human and physical resources, their institutional articulation with the network for assisting victims of domestic and gender violence, and the scope of the legislated and non-legislated actions and powers attributed to these police stations. The purpose of the research was to assemble a body of knowledge to be used in decision making for policy and action planning directed at reducing violence against women.

The police stations are the responsibility of the state public security systems, which means that each one defines its powers, profile and designation differently. The Brazilian Government is now creating a common set of guidelines for assistance and practice standards. In 2004, a workshop was held to prepare these guidelines, with the participation of police stations from all five regions of the country.

During the period covered by this Report, the Brazilian Government has also supported and organized campaigns to combat violence against women. In 2004, it supported the “White Ribbon” campaign in

Brazil, to involve and mobilize men in the fight to put and end to violence against women, and the campaign organized by the Patrícia Galvão Institute, “Where there is Violence, Everyone Loses”. In addition, the SPM undertook its own campaign, “Your Life Starts again when the Violence Ends”, using TV and radio spots, and printed material.

CEDAW – Article 7

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States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

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- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies,
  - b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
  - c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.
- 

The Brazilian Government has adopted various measures in compliance with this article of the Convention, as well as in compliance with CEDAW Committee Recommendation No. 11, which calls for an increase in the participation of women at decision-making levels in the political arena, and Recommendation No. 12, which deals with the adoption of pro-active policies to increase the participation of women in positions of power.

Many of these actions have been undertaken through a partnership between the Brazilian executive and legislative powers. The Special Secretariat on Policies for Women and the Women’s Caucus of the National Congress have worked jointly to defend and promote women’s rights by organizing seminars, public audiences and debates, and lobbying for the approval of non-discriminatory legislation.

Even if changes can now be perceived, when we look at who holds the highest positions of power it becomes clear that participation in political and public life remains a predominately male stronghold.

Since the last report, the number of female ministers in Brazil has decreased. At the beginning of the present administration, five women occupied ministerial positions – Ministries of Mines and Energy, Environment, and Social Assistance, and the Special Secretariat on Policies for Women and Policies for the Promotion of Racial Equality. Today, the country has four female ministers, with the replacement of the Minister of Social Assistance.

There was a small increase in women’s participation in the National Congress as a result of the 2002 elections – 8 female senators (14.8% of the total) and 42 female federal deputies (8.2% of the total).

The 2004 municipal elections led to a small increase in the presence of women in politics. For the Municipal Council, 6,554 women (12.65% of the total elected) and 45,240 men (87.33%) were



elected, from a total of 51,819. In 2000, 7,001 women (11.61%) and 53,266 men (88.35%) out of a total of 60,287 candidates were elected.

Even with a fall in the absolute numbers of women elected in the 2004 elections, when compared with the 2000 elections (due to a reduction in the number of seats in the Legislative Chambers, which decreased by 8,000), participation by women increased by 1%, from 11.61% to 12.65%.

In 2004, 407 women (7.32% of the total) and 5,111 men (91.96%) were elected to the office of mayor. Together with the 40 candidates who did not declare their sex, the total number of candidates was 5558. In 2000, 317 women (5.70%) and 5241 men (94.28%) were elected to the office of mayor, for a total of 5559. The absolute increase in the number of women elected represented 90 seats – an increase of approximately 28%.

In 2000, of the 70,321 female candidates for the position of town councilor, 7,001 were elected, representing 9.95% of the candidates. In the same year, female candidates to the office of mayor totaled 1,139, with 317 (27.83%) being elected.

In the 2004 elections, there were 76,551 female candidates for the position of town councilor, of which 6,554 were elected, representing 8.56% of the candidates. In the mayor elections, from a total of 1,498 candidates, 407 women were elected, representing 29.96%.

The women maintained their positions as elected, increased their numbers on town councils and even taking into account that the number of seats was reduced in the House of Representatives, they proportionally increased their presence in the municipal legislature throughout the country.

Women in the Legislative and Executive Powers in Brazil –2002/2004		
Office	Year of Election	% Of Women Elected/ Total Elected
Mayor	2004	7.3%
Councilors	2004	12.6%
State Deputy	2002	12.5%
Federal Deputy	2002	8.2%
Senator	2002	14.8%
Governor	2002	7.4%

Source: Superior Electoral Court

The fact that there is the Law No. 9.504, dated September 30, 1997, which establishes a quota system, is not enough in of itself to ensure greater participation by women in the political parties and, consequently, in political positions. The Law must include provisions that establish sanctions, and other effective mechanisms, in order to guarantee compliance with the provisions in force that establish a minimum and maximum percentage, by gender, for candidates to proportionately elected offices – Federal House of Representatives, State Legislative Assemblies and the House of Representatives of the Federal District, and Town Councils.

There are bills under debate in the National Congress that modify the current law on quotas by increasing the percentage, providing for sanctions against parties that do not comply with the minimum quota and establishing quotas in other political arenas. The Special Secretariat on Policies for Women and the Women's Caucus of the National Congress are lobbying for approval of these new pieces of legislation.

In 2004, in order to raise women's awareness on political participation, a series of actions was undertaken for women candidates' capacity building.

The videoconferences entitled "A Woman's Place is in Politics" merits special attention. During the first videoconference, held on September 15, 2004, the discussion centered on the candidature of women in the 2004 municipal elections. Women from the State Assemblies of Pernambuco, Alagoas, São Paulo, Bahia, Mato Grosso, Goiás, Paraná, Ceará, Piauí, Rio Grande do Sul and Amapá participated. During the second videoconference, held on November 9, 2004, a summary of women's participation in the electoral process was given.

The videoconferences were an initiative of the 2004 Year of the Woman Committee of the Senate and Chamber of Deputies, the Woman's Caucus of the National Congress, Interlegis (information technology system to increase public participation in the legislative process) and the Feminist Center for Studies and Assistance (CFEMEA). The Special Secretariat on Policies for Women (SPM) participated in the two events.

The SPM has developed a series of capacity building actions for women candidates and studies on women's political participation. In 2004, the SPM was a partner in the Woman and Democracy Project, an action undertaken in network, to encourage and support women's candidatures and mandates in the Northeast, and to implement strategies to deconstruct cultural constraints on the presence of women in the powers of the Republic. Also in 2004, the SPM was a partner in a capacity-building course for women candidates in the State of Santa Catarina.

Yet the maxim that women are increasingly present at the lower and middle-level careers, but are still absent at the highest levels, continues to hold true. To mention just one example: although women are 43.9% of the staff of the Federal Public Administration, the proportion of women in Committee positions corresponds to 47.8% at the lowest level (DAS-1) and 16.6% at the highest level (DAS-6).

As for the Judicial Power, since the beginning of the 90s, there has been a significant increase in the number of women entering into the judicial careers. This phenomenon is a result of the incentive provided in the public entrance exams in which the criteria for approval/classification are non-discriminatory.

Over the last five years, women have begun to occupy positions in the upper levels of the tribunals, an unprecedented fact in the history of the country. Nonetheless, in the highest-level positions, for which persons are appointed, women's presence is still significantly restricted, as the data below demonstrate.

<b>Federal Supreme Court (STF) – February 2005</b>			
Justice of the Court			
Offices provided for in the Federal Constitution	Filled Positions		Vacant Positions
	Male Judges	Female Judges	
11	10	1	0

<b>Superior Court of Justice (STJ) – February 2005</b>			
Justice of the Court			
Offices provided for in the Federal Constitution	Filled Positions		Vacant Positions
	Male Judges	Female Judges	
33	29	4	0

<b>Superior Labor Court (TST) – February 2005</b>			
Justice of the Court			
Offices provided for in the Federal Constitution	Filled Positions		Vacant Positions
	Male Judges	Female Judges	
17	16	1	0

<b>Superior Electoral Court (TSE) – February 2005</b>						
Vacancies provided for in the Federal Constitution				Filled Positions		Vacant Positions
Justices of the STF	Justices of the STJ	Lawyers	Total	Male Judges	Female Judges	
3	2	2	7	7	0	0

<b>Superior Military Court (STM) – February 2005</b>					
Justice of the Court	Provided for in the Federal Constitution	Filled Positions		Vacant Positions	
		Male Judges	Female Judges		
Military Personnel	10	10	0	0	
Civilian Personnel	05	04	0	1	
Total	15	14	0	1	

Source: Superior Courts

Another example of advances in recent years is the increased female presence in the Armed Forces.<sup>3</sup>

Pursuant to the Brazilian Constitution, women are exempt from military service. However, in practice, what was once an exclusively male profession is becoming, in recent years, a new field of work for women who intend to follow a military career.

Encouraged by an increase in interest, the Brazilian Army instituted the participation of women in various areas of its staff. In 1992, the Army Administration School (EsAEx) in Salvador, in the State of Bahia, enrolled the first group of 49 women, who became officers (1<sup>st</sup> Lieutenant) in the Complementary Corp. In 2001, this number reached 2,170 female officers in active service. The data for February 2005 indicate that 3,617 women will comprise the contingent.

During the EsAEx courses, all of the students, men and women, receive the same basic training. Women's military career is restricted only in the area of combat. The institution has not created a "female corp.". Women enter into already-existing functions, working under the same conditions as male officers and competing equally for promotions.

The presence of women on unions' executive boards is another example of how access to positions of power has been opening for women. A survey was undertaken by IBGE, "Unions – 2001 Social Indicators" to, among other things, analyze the female presence in unions. The survey showed that, in 1984, some of the branches of the union movement began to include, in their statutes, gender quotas for their executive boards as a means of reducing the imbalance between women's participation in the job market and in union management.

The data collected by the 1992 and 2001 Union Surveys indicate that women's participation on union executive boards is growing, although it is still in the incipient stages in some types of unions. The main evidence offered by these surveys, with respect to women's participation, is an increase in the proportion of unions with mixed gender executive boards, as a result of a decrease in the unions with exclusively male management and a very slight stabilization in the proportion of unions with exclusively female management.

<b>Staff – Unions, According to Some Indicators on Gender of the Executives Brazil – 1992/2001</b>		
Indicators on the Gender of the Executives	Unions	
	1992	2001
Percentage of unions with an exclusively male executive board (%)	50	35
Percentage of unions with a mixed-gender executive board (%)	49	64

<sup>3</sup> Marco Antônio Damasceno Vieira took Legislative Consultant for Area XVII – National Defense, Public Security, Armed Forces, and Legislative Advisory Body information on this theme from the Technical Comment on the Presence of Women in the Armed Forces, Body to the Chamber of Deputies, December 2001. Site: [www.camara.gov.br](http://www.camara.gov.br)

Unions with a predominance of exclusively-male executive boards	<ol style="list-style-type: none"> <li>1. Temporary Laborers (97%)</li> <li>2. Rural Employers (85%)</li> <li>3. Agents (77%)</li> <li>4. Urban Employers (65%)</li> <li>5. Consultants (62%)</li> </ol>	<ol style="list-style-type: none"> <li>1. Temporary Laborers (92%)</li> <li>2. Rural Employers (70%)</li> <li>3. Consultants (59%)</li> </ol>
Unions with a predominance of mixed-gender executive boards	<ol style="list-style-type: none"> <li>1. Certain Professionals (76%)</li> <li>2. Urban Employees (69%)</li> <li>3. Rural Workers (53%)</li> </ol>	<ol style="list-style-type: none"> <li>1. Rural Workers (84%)</li> <li>2. Certain Professionals (80%)</li> <li>3. Urban Employees (72%)</li> <li>4. Agents (63%)</li> </ol>
Percentage of Unions with a Woman as President (%)	6	10
Percentage of Unions with a Woman in the Position of First Secretary (%)	14	24
Percentage of Unions with a Woman in the Position of First Treasurer (%)	10	16

Source: IBGE, Survey Division, Department of Population and Social Indicators, Union Survey 1992/2001

Although participation of women on executive boards continues to be concentrated in subordinate posts. They usually occupy positions other than the three most important: president, first secretary and first treasurer. Among these three positions, women rarely occupy the presidency, are found slightly more often as first treasurer and more often yet as first secretary. This information seems to lend credibility to the idea that the division of labor contained in the notion of gender continues to strongly bypass male/female relations within unions.

These examples show the areas in which women have been increasing their participation in Brazilian society, in equality of conditions and opportunities.

CEDAW - Article 8

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States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

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Over the last two years, the intense cooperation that has developed between the Ministry for External Relations and the Special Secretariat on Policies for Women (SPM) has resulted in more active participation on the part of Brazilian women in the multilateral forums dedicated to them.

The underlying objective of the international activities of the SPM is to respond to global initiatives for the inclusion of gender in public policies and to realize upon, in Brazil, the commitments made to international bodies by the Federal Government with respect to Women's Human Rights.

In the period addressed by this Report, Brazil has hosted important UN meetings related to women and has actively participated in international meetings more directly linked to the promotion of gender equality.

In July 2003, Brazil presented, to the CEDAW Committee, its first national report on the policies formulated for the implementation of the Convention for the Elimination of All Forms of Discrimination against Women in the country. The presentation of the Report and the Brazilian delegation's responses to the CEDAW Committee questions and recommendations to Brazil resulted in a widely distributed publication that was made available on the SPM web site.

Two of the preparatory meetings organized by the UN in Brazil provided for a productive exchange of ideas and experiences on questions of direct interest to women. In October 2003, a preparatory technical meeting of the 48<sup>th</sup> Session of the Commission on the Status of Women was held in Brasília. Discussions revolved around the participation of men and boys in the process to generate gender equality. The meeting in Brazil involved specialists from different countries and observers from Brazilian non-governmental and governmental organizations.

In March 2004, a sub-regional meeting for South America was held in preparation for the Ninth Regional Conference on Women in Latin America and the Caribbean. The themes discussed during the meeting, hosted by the Economic Commission for Latin America and the Caribbean (CEPAL), were "Gender Poverty, Economy and Equity" and "Empowerment, Institutional Development and Gender Equity".

During the first semester of 2004, the Special Secretariat on Policies for Women, on behalf of the Brazilian Government, presided over a Women's Specialized Meeting of Mercosul (REM). The REM Working Plan for the period 2005-2007 was defined during the XII Meeting, which was held in Rio de Janeiro, in November 2004. The Working Plan is centered on the articulation of actions to address violence against women in the REM member countries (Brazil, Argentina, Paraguay and Uruguay), associated countries (Bolivia, Chile and Venezuela) and observer country (Mexico).

In August 2004, Brazil elected Dr. Silvia Pimentel, a renowned jurist and feminist, as one of the experts to the Committee on the Elimination of Discrimination against Women. Until then, Brazil had only once before participated in the Committee with Ruth Escobar, elected in 1985. Dr. Pimentel's

appointment as candidate was made possible through a successful articulation between the government and social movements for women and human rights.

The Special Secretariat on Policies for Women has represented Brazil in discussions on the situation of women in Latin America. Currently, the Minister of the Special Secretariat is a member of the CEPAL Steering Committee.

In October 2004, the Special Secretary on Policies for Women, Minister Nilcéa Freire, became the first Brazilian woman to be elected as President of the Inter-American Commission of Women (ICW), of the Organization of American States (OAS), with the overwhelming approval of 26 votes out of 33 casts.

During the World Social Forum, held in Porto Alegre, Brazil tabled a declaration for reaffirmation of the commitments for the development of equality between women and men, signed by Nicole Améline, Minister of Parity and Professional Equality of France and by Professor Wangari Maathai, winner of the Nobel Peace Prize.

The participation of Brazil in these different forums has provided the government with greater internal capacity for acting on its commitments, assumed within the international sphere, for the promotion and defense of women's human rights. The participation has also made it possible for Brazil to take action, in a positive manner, on the agenda and direction of the policies advanced by the global systems.

The most direct avenue to the international arena is through a diplomatic career. In Brazil, the entrance of women into a diplomatic career was given legal sanction with the approval of Law 2.171, dated January 18, 1954. Article 1 of this Law provides that native Brazilians, "without distinction by sex", may embark on a diplomatic career.

Notwithstanding this legal provision, the door was first opened by the judicial system when the Federal Supreme Court considered a writ of mandamus submitted by Maria Sandra Cordeiro de Mello and declared that she "could register in the public service entrance exam in 1952".

Little by little, women have conquered spaces in the diplomatic career, although the famous "glass ceiling"<sup>4</sup> still exists today, in a way that the majority of women diplomats only reaches the intermediate level of the career, and is successively bypassed by her male colleagues.

<b>Present Distribution of Brazilian Diplomats, by Class and Gender – 2004</b>				
Classification	Men	Women	Total	% Women
First Class Minister (Ambassador)	92	06	98	6.1%
First Class Minister (Special Staff)	42	04	46	8.6%

<sup>4</sup> This expression originated from "The Glass Ceiling Commission", a Commission established by the American Government to study and make recommendations for the elimination of artificial barriers to the advancement of women and minorities, as well as to increase opportunities and to develop projects for the advancement of women and minorities into management and decision-making positions within business.

Second Class Minister	104	25	129	19.3%
Second Class Minister (Retiring)	33	03	36	8.3%
Counselor	132	38	170	22.3%
Counselor (Special Staff)	41	19	60	31.6%
First Secretary	142	38	180	21.1%
Second Secretary	151	41	192	21.3%
Third Secretary	170	41	211	19.4%
Total (Special Staff)	116	26	142	18.3%
<b>TOTAL</b>	<b>907</b>	<b>215</b>	<b>1 122</b>	<b>20.1%</b>

Source: Classification System for Diplomatic Careers – July 2004

The above table shows that the highest concentration of women diplomats occurs at the level of Counselor, which is the maximum intermediate level in the career, above which a bottleneck forms at the levels of First and Second Class Ministers.

The high concentration of women at the level just before retirement seems equally significant. Considering that the average proportion of women per classification in the diplomatic career is about 20%, and that this proportion increases to 31% for the Counselor classification of the staff approaching retirement. This indicates that the majority of women finish their diplomatic career at the level of Counselor.

It is also worth noting that although the average participation of women in the different career classifications is 20% this percentage falls to 6% for the highest level, First Class Minister. The above table also reveals a persistent phenomenon in recent years: a slight fall in the number of women who enter into a diplomatic career. Given that women comprise 51% of the Brazilian population, it is clear that women's participation in the career is far from being demographically representative.

A comparison with data from the report presented in 2002 shows an increase in the participation of women in the upper classifications of the career. While in 2002 the percentage of women First Class Ministers was 5.1%, in 2004 this number increased to 6.1%; for female Second Class Ministers the percentage jumped from 3.9% to 19.3%; in the class of Counselor, women's participation increased from 3.5% to 22.3%; the percentage of female First Secretaries decreased from 24.8% to 21.1%; for Second Secretaries, women's participation increased from 20.1% to 21.3%; and, finally, the percentage of female Third Secretaries decreased from 21.2% to 19.4%. This shows two new tendencies: more women diplomats are being promoted to the upper levels of the career and a fall in the number of women who enter into a diplomatic career.

Although not specifically directed at women, the affirmative action policy adopted by the Ministry for External Relations to encourage the entrance of Afro-descendants into the diplomatic career has also resulted in the entrance of black women.

The Careers of Diplomat, Chancellery Official and Chancellery Assistant comprise the Brazilian Foreign Service (see the following table). Of these, the Diplomatic Career enjoys the highest



responsibility, prestige and remuneration. In the other two Careers, subordinate even to the lowest ranking of the Diplomats, women, by contrast, form the majority.

<b>Distribution by Career or Classification of The Ministry of External Relations Staff, by Gender</b>				
Career or Category	Men	Women	Total	% Of Women
Diplomats	882	202	1 084	18.6%
Chancellery Officials	271	421	692	60.8%
Chancellery Assistants	266	362	628	57.6%
Other functional categories	431	214	645	33.2%
Total	1 850	1 199	3 049	39.3%

Source: Bulletin of Personnel Statistics – second semester 2003

#### CEDAW - Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

As explained in the previous report, Brazilian legislation protects its nationals, men and women, in the same way and confers equal treatment on migrants of both sexes. Brazil has signed and ratified all of the international Conventions and Treaties dealing with the protection of nationality in general, as well as those dealing with the protection of women's nationality.

#### CEDAW - Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to

achieve this aim and, in particular, by the revision of textbooks and school programs and the adaptation of teaching methods;

- d) The same opportunities to benefit from scholarships and other study grants;
- e) The same opportunities for access to program of continuing education, including adult and functional literacy programs, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f) The reduction of female student dropout rates and the organization of programs for girls and women who have left school prematurely;
- g) The same Opportunities to participate actively in sports and physical education;
- h) Access to specific educational information to help to ensure the health and well being of families, including information and advice on family planning.

During the period covered by this Report, important measures were implemented to consolidate or improve the educational reforms of the 90s, described in the previous report. This is evidence of an increase in the government's concern about designing an educational system that fosters equality.

The Curricular Parameters or References for the different levels of instruction continue to be reformulated in order to better address the issue of gender. The tools for collecting educational information were improved for the same purpose. The criteria for gender, race, disability and ethnicity contained in the policy for the evaluation and distribution of textbooks, were also improved.

Although one could say that, formally, the Brazilian education systems provide for equality of access, and equality in instruction or professional training for men and women, the data below show that, in practice, over the course of schooling and professional life, the male-dominated culture guides men and women into specific careers.

<b>Enrollment in Professional Education – Technical Level – by Sex, According to the Areas. Brazil, 2003</b>					
Area	Total	Males		Females	
		Amount	%	Amount	%
Livestock Farming	39,135	29,870	76.3	9,265	23.7
Arts	5,782	2,268	39.2	3,514	60.8
Business Administration	6,676	3,952	59.2	2,724	40.8
Communication	4,063	1,768	43.5	2,295	56.5
Civil Construction	13,767	8,490	61.7	5,277	38.3
Social and Leisure Development	6,733	1,234	18.3	5,499	81.7
Design	5,997	2,252	37.6	3,745	62.4

Geomatics	1,403	938	66.9	465	33.1
Administration	78,937	31,357	39.7	47,580	60.3
Secretarial	8,470	477	5.6	7,993	94.4
Personal Image/Personal Services	963	180	18.7	783	81.3
Industry	109,559	96,002	87.6	13,557	12.4
Textile and Clothing Industry	2,428	1,084	44.6	1,344	55.4
Computer Science	82,969	53,136	64.0	29,833	36.0
Environment	6,618	3,853	58.2	2,765	41.8
Mining	1,318	973	73.8	345	26.2
Chemistry	18,068	10,331	57.2	7,737	42.8
Fishing Resources	358	237	66.2	121	33.8
Health	174,073	40,171	23.1	133,902	76.9
Transport and Telecommunications	13,914	10,319	74.2	3,595	25.8
Tourism and Hospitality	10,580	3,012	28.5	7,568	71.5
Total	281,231	298,892	51.4	282,339	48.6

Source: National Institute for Educational Studies and Research/ Ministry of Education (INEP/MEC).

Tabulated: Department for Institutional Development and Articulation/Department for Continuing Education, Literacy and Diversity/Ministry of Education (DDAI/SECAD/MEC)

NOTES: Livestock Farming - includes Agriculture, Ranching and Forestry / Business Administration – includes wholesale, retail, maintenance and repairs / Communication – includes Editing, Advertising and Communication, Radio, Photography / Social and Leisure Development - includes Group Activities, Education, Languages and Others, Domestic Services / Design – includes Fashion and Technical Design / Administration – includes Public Administration, Accounting, Financial Services / Industry – includes Food and Beverage, Automotive, Cellulose and Paper, Leather and Footwear, Distribution of Water, Gas and Electricity, Electrics and Electronics, Mechanics and Metallurgy, Plastics and Rubber, Wood and Similar Products, Textiles and Clothing / Environment – includes Garbage, Water and Sewage, Recycling/Chemistry – includes Ceramics, Petroleum, Chemical and Petrochemical Products / Tourism and Hospitality – includes Lodging, Tourism and Hospitality. Legend: Dark gray: Predominately female courses (60% or more) and Light gray: Predominantly male courses (60% or more).

<b>Instructors 2003</b>					
Broad Area	Female Instructors	%	Male Instructors	%	Total Instructors
Exact and Earth Sciences	1,389	24.31	4,324	75.69	5,713
Biological Sciences	2,586	46.18	3,014	53.82	5,600
Engineering	777	17.37	3,696	82.63	4,473
Health Sciences	2,003	39.65	3,049	60.35	5,052
Agrarian Sciences	740	22.95	2,485	77.05	3,225
Applied Social Sciences	1,039	31.58	2,251	68.42	3,290
Human Sciences	3,032	50.63	2,956	49.37	5,988
Linguistics/Literature/Arts	1,219	60.68	790	39.32	2,009
Overall Total	12,785	36.17	22,565	63.83	35,350

Source: Coordinating Agency for Advanced Training of High-Level Personnel. Coordinating Entity for Organization and Administration of Information. (CAPES - Coordenação de Aperfeiçoamento de Pessoal de Nível Superior. Coordenadoria de Organização e Tratamento da Informação). 2003.

Policies to encourage women to enroll in certain areas, to address the existing biases, have not yet been implemented. Advances achieved in education policies have been directed at challenging the stereotypes of male and female roles through curricular revision and control over the content of didactic books.

The Brazilian Government has undertaken a series of initiatives to address this issue. An example is the promotion of an “International Seminar on Educating for Equality of Gender, Race and Sexual Orientation”, held in Brasília, on November 30 and December 1, 2004. The Seminar was an important step toward integrating the issue of gender into educational policies.

The objective of the event, organized by the SPM, MEC, SEPPIR and SEDH, was to discuss issues related to the preparation of didactic material, changes in program content for pedagogic course curricula, and the adoption of new pedagogic practices in the basic education and Youth and Adult Education courses over the entire Brazilian school system. The discussions between Brazilian and United Kingdom specialists resulted in a report containing project guidelines. The Report will be sent to the Ministry of Education, the Chamber for Training of Professors and the Chamber for Diversity in Education, established by Ministerial Order No. 695 dated September 10, 2004.

Another initiative along this line was the improvement, by the Ministry of Education, of the selection criteria for textbooks to be distributed nationally. The National Textbook Program (PNLD) is working since 1985 to distribute school textbooks on a national level, in compliance with Article 208, section VII of the Federal Constitution. Since 1995, the evaluation and selection of the textbooks has been based on criteria arising out of the fight against all forms of discrimination, including gender.

In 2004, the criteria for judging the books improved as a result of articulation between the Special Secretariat on Policies for Women and the Ministry of Education, occasioned by the process for the elaboration of the National Plan on Policies for Women. The new criteria was directed at not only eliminating sexism and female stereotypes from the language and content of the textbooks, but also fostering an education based on gender equality.

The notice summoning for the process to evaluate and select texts to be included in the guide to textbooks for the 2007 first to fourth grade was published on October 28, 2004. It contains more explicit criteria for judging and rating of books with respect to their gender and racial content. For a book to be approved and recommended, it is not enough that the book avoid negative stereotypes and content – the book must have a positive content.

The implementation of the National Plan on Education on Human Rights (PNEDH) has been another important instrument that the government has used to design a non-discriminatory educational system, as previously noted. The PNEDH describes activities for instruction on human rights in various fields, including formal education. Action 7, referring to basic education, establish: “Develop cultural and educational projects to fight against racial and gender discrimination and other forms of intolerance”. This is the responsibility of the Ministry of Education, state and municipal departments for education, education professionals and the community.

In the “Education and Media” section, the PNEDH explains that the governing legislation for rendering communication services emphasizes the need that the service providers must comply with certain commitments set out in the Federal Constitution and international treaties and conventions. These commitments include a culture of peace, and tolerance and respect for ethnic, racial, cultural and gender differences, as well as sexual political and religious orientation. The PNEDH states that, “the media should adopt a posture favorable to non-violence and respect for human rights, not only by force of law, but also through its involvement in improving people’s quality of life”.

The Ministry of Education created an internal “Committee for Human Rights” to contribute to the implementation of the PNEDH. Although the Committee has been meeting regularly since May 24, 2004, this important forum for institutional debate has not yet been formally constituted.

The 2004-2007 Multi-Year Plan for actions of the Ministry of Education (MEC) included for the first time actions explicitly linked to education in human rights, with the creation of the Program of Education for Diversity and Citizenship. Reference to the concept of gender in an administrative instrument, such as the Multi-Year Plan, is an innovative step for MEC. Gender is included among the themes under the rubric of “diversity”, together with race, ethnicity and sexual orientation, among others.

The specific activities are the following: support the educational activities that value diversity within the school; support to the distribution of didactic-pedagogic material on education for diversity and citizenship; facilitate innovative educational projects for education for diversity and civil participation; facilitate training for education professionals in education for diversity and civil participation; facilitate an appreciation of diversity in access and permanence in the university; facilitate the Development of educational, cultural and leisure activities in open schools on weekends; and the awarding of a Prize for Essays on Education for Diversity and Civil Participation. The proposed themes for the contest are gender, race, ethnicity and sexual orientation.

Recommendation No. 13 (paragraph 123), referred to the need to strengthen proactive measures designed to encourage women's access to all levels of education and teaching. The access for Brazilian women to education, differently from other developing countries, is in general on an equal basis with men. Currently, more women reach higher levels of education than men.

Different indicators show this advance in the degree of instruction for women, such as the average number of years of study among the population over 25 years of age. In 1990 men studied an average of 4.9 years and women 4.7 years. In 2003, the average number of years of study for women in Brazil was 6.6 years, whereas the average for men was 6.3 years. Among the urban working population, the difference was even greater: 8.4 years of study for women and 7.4 for men (PNAD/IBGE).

With respect to the sections in article 10, the opportunities for access to the same curricula and exams (b), scholarships (d) and programs for supplementary education (e), are the same for men and women in Brazil. Nevertheless, when this general situation is studied more closely, it is clear that inequality between men and women still exists: it is clear that there are groups of women who has not satisfied their to an education of quality.

Improvement in the level of women' education has basically benefited younger women. The educational exclusion of older and poor women is still significant and deserves the formulation of specific policies. For example, the proportion of illiterate women progressively increases for women over 40 years of age. According to the 2000 Census, this group represented a total of 4.5 million women.

The same situation is true for disabled women. For example, the schooling rate for girls with a disability aged 7-14 years old is 6% lower than that of not disabled girls of the same age. Moreover, according to UNICEF data, if a female child is born with a disability she has four times greater chance of not being taught to read and write. This is due to the so-called "binomial disability-gender".

Women comprise the vast majority of the teachers at the basic education level, but their participation decreases at the higher levels, which enjoy greater status. This is true even considering that women form the majority of higher-level graduates.

The data provided below clearly illustrate the influence of gender discrimination in the progression of men and women in academic careers. Although the Master and Doctoral level students are divided equally between men and women, men have a much greater chance to reach the position of dissertation and thesis supervisor.

<b>Graduate Students 2003</b>		
Graduate Students	Quantity	%
No. Of Female Graduate Students	20,299	50.39
No. Of Male Graduate Students	19,986	49.61
Overall Total	40,285	100.00

Source: Coordinating Agency for Advanced Training of High-Level Personnel. Coordinating Entity for Organization and Administration of Information. (CAPES - Coordenação de Aperfeiçoamento de Pessoal de Nível Superior. Coordenadoria de Organização e Tratamento da Informação). 2003.

<b>Supervisors 2003</b>		
Supervisors	Quantity	%
No. Of Female Supervisors	12,369	33.79
No. Of Male Supervisors	24,235	66.21
Overall Total	36,604	100.00

Source: Coordinating Agency for Advanced Training of High-Level Personnel. Coordinating Entity for Organization and Administration of Information. (CAPES - Coordenação de Aperfeiçoamento de Pessoal de Nível Superior. Coordenadoria de Organização e Tratamento da Informação). 2003.

An analysis of the information on the participation of women in the Brazilian education system, based on race and ethnicity, leads to much more complex results. Black and indigenous women (and men) are under represented. The table below shows the rate of illiteracy among some of the groups.

<b>Number of Illiterates and Rate of Illiteracy by Gender and Color/Race 2003</b>							
Indicator	Total	Women	Men	Women			
				White	Black	Mulatto	Negro*
<b>Illiterate Population</b>							
15 to 19	452,746	135,589	317,157	35,048	7,249	91,693	98,942
20 to 24	684,947	257,622	427,325	67,203	19,960	170,459	190,419
25 to 49	5,388,434	2,411,068	2,977,366	682,011	203,389	1514,110	1717,499
50 to 64	4,055,150	2,303,516	1,751,634	782,184	220,414	1289,377	1509,791
65 or older	4,054,242	2,437,462	1,616,780	1106.103	241,655	1080,761	1322,416
Total	14,635,519	7,545,257	7,090,262	2672,549	692,667	4146,400	4839,067
<b>Illiteracy Rate</b>							
15 to 19	2.6	1.6	3.6	0.8	1.6	2.5	2.4
20 to 24	4.1	3.1	1.6	1.5	4.1	4.9	4.8
25 to 49	8.8	7.5	5.2	3.9	10.4	12.1	11.9
50 to 64	20.5	21.8	3.1	12.9	32.0	34.6	34.2
65 or older	35.2	37.2	10.1	27.3	54.1	54.5	54.4
Total	11.6	11.4	11.7	7.4	17.2	16.4	16.5

Source: National Household Survey (PNAD/IBGE) 2003 Tabulated: DAIE/SECAD/MEC

\* Negro is considered to be the sum of the black and mulatto populations.

Consequently, although up until now universal policies have been effective in generating a decrease in gender inequality, its persistence within specific groups means that affirmative actions must start considering the issues of gender, race and ethnicity jointly.

In order to address these inequalities in an affirmative manner, the Government has been adopting specific measures in favor of groups of marginalized women.

A protocol of intentions was signed between SEPPIR and the Ministry of Education to make a proposal to build transversality of the racial issue into the education. This will be accomplished through the development of a program to include the black population in the Brazilian education.

The Brazilian Government joined forces with the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPIR) and the Ministry of Education to stimulate affirmative action policies for higher-level education. A Working Group brought together representatives from SEPPIR, the Department of Higher Education/Ministry of Education and the universities' Centers for Afro-Brazilian Studies from each region, to formulate guidelines on the access and permanence of Afro-descendant students in the universities.

Besides the policy of quotas for black students, guidelines are being considered for the areas of continuing education for education professionals, for the publishing of educational material, to implement of Law No. 10.639/03<sup>5</sup>. Guidelines on permanence within the system, such as scholarships linked to research and complementary courses for students studying under the quota system, are also being analyzed.

All of the government entities mentioned above are involved in monitoring the Bill for the implementation of the Quota System for blacks and indigenous people in the public education system. The Presidency of the Republic sent the Bill (Bill 3627/2004) to the National Congress for its approval.

The University for All Program (PROUNI) guarantees a fiscal incentive for private universities if they offer partial or full scholarships to students graduating from the public school system. Priority is given to the selection of indigenous, black, brown or disabled students.

In addition, since 2003 the Ministry of Education has run a pilot project for research and action in some states aimed at promoting the access of young Afro-Brazilians to higher-level education. This is accomplished through funding for preparatory courses for the university-entrance exams and the granting of scholarships to these same young people. In 2004, 29 of these courses were contracted (PICs), as compared to 12 in 2003. The courses will benefit 5,370 students in the States of Bahia, Maranhão, Minas Gerais, Rio de Janeiro, São Paulo, Mato Grosso and Mato Grosso do Sul. In the same year, the same project funded 15 studies with respect to the Afro-Brazilian population, divided into three areas: expectations for integration into the labor market for young blacks (boys and girls) in

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<sup>5</sup> Law No. 10.639, dated January 9, 2003, amends Law No. 9.394, dated December 20, 1996, which establishes the guidelines and bases for national education, to include the obligation to provide instruction on the theme of "Afro-Brazilian History and Culture" as part of the official curriculum in the education system.



middle school; Afro-Brazilians and religion in Middle School; and formal and informal education in rural black communities.

The Brazilian Government, through MEC, also fosters an improvement in education in *quilombo* communities (communities of former fugitive slaves). The activities focus on the continual training of teachers, an improvement in the schools and the distribution of didactic materials within these communities. From 2002 to 2004, 12,777 teachers and 51,000 students benefited from these activities.

For indigenous women, the Brazilian Constitution assures instruction in their mother tongues and recognizes their own training processes. In 2004, the Ministry of Education created the General Coordinating Agency for Indigenous Education, responsible for the support of various initiatives for the training of indigenous teachers, in compliance with the National Curricular Reference for Indigenous Schools (1998), aimed at fostering intercultural and bilingual/multilingual education. The Coordinating Agency operates within a strong partnership with the indigenous Brazilian peoples and their leaders, many of them women.

Meanwhile, feminist leaders have not yet raised specific gender demands with respect to education. We know that the participation of women as teachers in indigenous schools varies nationally, depending both on the characteristics of the contact in each region and the culture of each ethnic group, without this necessarily signifying gender discrimination. Women have been increasingly active as indigenous leaders. They form the majority of teachers in the Northeast and Southeast regions, but are in the minority in the North and the Central West, although this ratio is more balanced in the State of Roraima. However, we still do not have instruments to document the evolution of this process, nor to interpret it.

Since the last report, one more state (other than Mato Grosso, in 2001), Roraima, has established an upper-level course for the training of indigenous teachers. Women have participated in these licensing courses given by the Mato Grosso State University (UNEMAT) and the Roraima Federal University (UFRR).

In the last report, we pointed out that “the official Brazilian documents reiterate the position that the Brazilian educational system is immune to discrimination against women and gender discrimination (CNDM, 1998; MEC/INEP, 1999 and 2000b)”. This attitude has decreased but still persists among many of the administrators.

The autonomy of the state and municipal educational systems results in limits on the executive power of the Ministry of Education. Its role is fundamentally normative. Thus, national guidelines must be prepared with respect to human rights and correlative themes (gender, religious diversity, diversity of sexual orientation, and disabilities), for the initial training curricula for professors and teachers, as well as for the curricula for early childhood, elementary, middle and high school instruction. This was one of the fundamental conclusions of the Seminar, “Educating for Equality of Gender, Race and Sexual Orientation”, mentioned above.

But, a requirement prior to preparing such guidelines is the building of a consensus among all of the MEC Departments on the need for gender policies within education. The creation of the “Department for Continuing Education, Literacy and Diversity” (SECAD) means that one of the Departments has

been endowed with the responsibility to “coordinate” the issues of human rights and “educational inclusion” for vulnerable groups. The need for such policies to be transversal through all of the levels and modalities of instruction means that a strong effort is required to ensure articulation among the departments.

Although we have described advances, such as the inclusion of the issues of gender and race in the Ministry of Education’s research, there is still much to be done with respect to disaggregating educational information on the basis of sex and race. This is also true with reference to the collection of data, primarily from the groups traditionally excluded, such as the indigenous people, disabled people and former *quilombos*.

#### CEDAW - Article 11

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1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a) The right to work as an inalienable right of all human beings;
- b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status
- b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
- c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities

d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

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The Brazilian Government has adopted several measures in compliance with this Article and Recommendation No. 7, which deal with the adoption of measures for the eradication of poverty. The measures prioritize Brazilian women of African descendant, indigenous women, women head of the family and other excluded or marginalized women groups. These measures also follow upon Recommendation No. 14, which addresses the application of the ILO Conventions on non-discrimination in the workplace and equality in remuneration for the same work of the same value, for women and men.

One important measure, that is pending on approval by the National Congress, will impact on the life of women is the Proposal for a Bill to create a Fund to Maintain and Develop of Basic Education and Enhance the Education Professionals' Value (FUNDEB). The Fund will substitute the currently existing Fund to Maintain and Develop Primary Education and Enhance the Teaching Profession's Value (FUNDEF). The Bill changes the rules to finance children's education by expanding the funding to include early childhood education, an important women's movement demand. The Bill, drafted by the Ministry of Education, was sent to the Civil House of the Presidency of the Republic on December 2, 2004 to be examined and then forwarded on to the National Congress.

This Bill does not directly address women's access to education. Yet, the new FUNDEB will contribute to broaden the public school system in order to include children between 0 and 3 years old. This has been a strong priority for women workers. It is widely known that the inclusion of women in the labor market is directly linked to both her position in the family (as head or as spouse) and to the number and age of the children. Thus, women with preschool children are the most disadvantaged in the labor market, and even more so for those women who are the head of a family.

Comparing to previous rules to finance education the main advantage is the inclusion of daycares and preschools in the levels of education to which there will be a national minimum value per student/year, fixed on an annual basis. This measure increases the guarantee of financing and investment in this area. Moreover, it foresees other differentiations, not previously addressed, such as a rural/urban binomial for Basic and Middle Education, Technical High School, Youth and Adult Education, Special Education and Indigenous Education.

The Zero Hunger Program, introduced as one of the first actions of President Lula's Government, is a public policy with social inclusion as the main objective. Social inclusion is achieved through the universalization of citizenship rights, starting with the basic social rights – access to food, health, education, social security and employment protection – in order to reduce the social deficit existing in Brazil.

Law No. 10.836, of January 9, 2004, created the Family Grant Program, which unified all the existing income transfer programs, including the Food Card Program, created at the beginning of 2003 as an

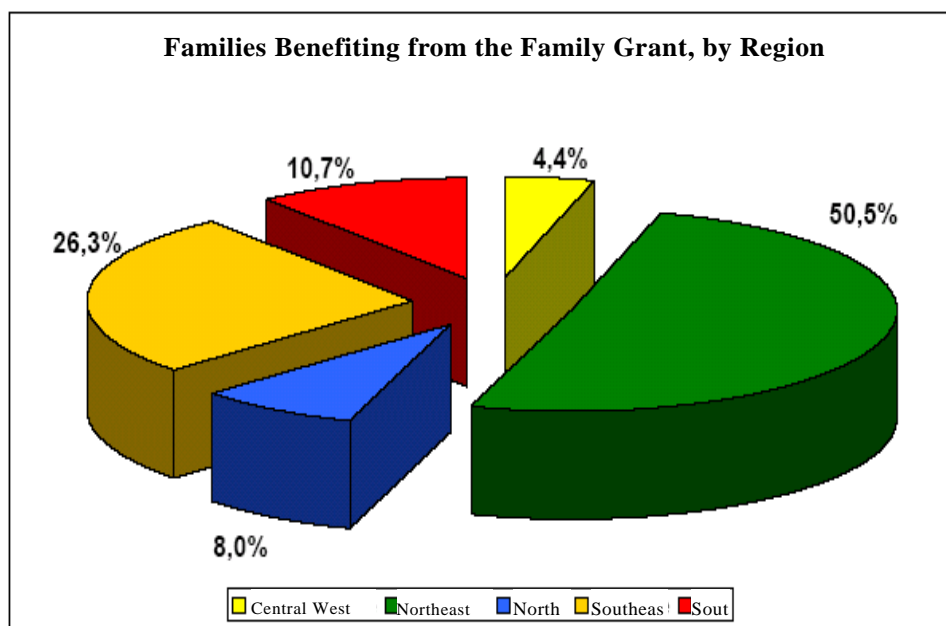
income transfer instrument directed at food and nutritional security. Decree No. 5.209, of September 17, 2004, regulates the Family Grant Program. The Decree's article 2, paragraphs 14 and 23 respectively, determine that the payment of benefits and the holder of the Program's card shall be preferentially women. Currently, women head more than 90% of the families receiving the benefit.

The other programs initiated by the Ministry for Social Development include the Program for Food and Nutritional Education, the Program for Wells and the Milk Program – part of the Program for Food Acquisition. The goal of these programs is to improve the life conditions for rural and urban women, as it is the women who exercise the fundamental roles in food security for families. To the extent that governmental programs facilitate access to goods needed for the survival of the family, they also promote the inclusion of women as citizens.

Disaggregated data from the Ministry for Social Development income transfer programs, by administrative region, demonstrate the investments made by the Government.

**Table – Income Transfer Program by Administrative Region Ref.: December 2004**

Region	Income Transfer Programs									
	Family Grant		Student Grant		Food Subsidy Program		Food Card Program		Gas Subsidy Program	
	Families	Total (R\$)	Families	Total (R\$)	Families	Total (R\$)	Families	Total (R\$)	Families	Total (R\$)
Central West	292,405	17,540,488.00	196,037	4,424,550.00	3,812	69,120.00	41	2,050.00	259,072	3,886,080.00
Northeast	3,320,446	234,533,410.00	1,451,545	33,720,735.00	25,535	482,370.00	95,192	4,759,600.00	2,011,133	30,166,995.00
North	527,652	37,758,137.00	323,771	8,194,605.00	7,229	134,450.00	575	28,750.00	379,656	5,694,840.00
Southeast	1,730,675	107,969,438.00	747,783	17,138,130.00	11,775	225,345.00	10,943	547,150.00	1,069,095	16,036,425.00
South	700,664	42,069,337.00	323,658	7,151,175.00	5,156	92,865.00	1,156	57,800.00	501,997	7,529,955.00
Brazil Total	8,571,842	439,870,810.00	3,042,794	70,629,195.00	53,507	1,004,150.00	107,907	6,395,350.00	4,220,953	63,314,295.00



During the last years, there has been an increase in female labor participation in the labor market is one of the main changes in this field in Brazil. Nevertheless, this advance has not been translated into a significant break from the processes that generate and perpetuate inequality between men and women.

The Brazilian Government is aware of this fact and has been committed to foster strategic actions to promote equal opportunity for men and women in the labor market.

Thus, the main focus of several actions and programs is to promote women's labor under equal conditions to men, without any form of discrimination. The Special Secretariat on Policies Women (SPM) and the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPIR) creation intensified this commitment. These two Secretariats are responsible for the articulation of policies with other ministries in order to reduce inequality and discrimination by integrating a gender policy, which addresses a long-standing demand of the women's movement in Brazil. The Secretariats are also responsible to foster initiatives against racial inequality in the country, through the National Policy on Racial Equality.

The following programs and actions, implemented in the most part through partnerships between the Ministry of Labor and Employment (MTE), SPM and SEPPIR, are worth mentioning:

- The Program to Encourage Economic Autonomy for Women in the Work World – under the SPM's responsibility this Program establishes partnerships with public, private and non-governmental organizations to implement professional capacity-building activities for women, and to foster initiatives that generate employment and income. The Technical Cooperation Agreement between SEBRAE and BPW (Business Professional Women of Brazil), with an emphasis to promote women's autonomy is an example. In 2004, the SPM signed 23 Agreements, throughout the country, a total of approximately R\$ 1.6 million, which represents 89.98% of the available resources for this program.
- The Program to Combat Poverty – The government chose *Quilombo Kalunga* as a pilot project for quilombo communities' development. The SPM's participation in this program is to implement a project to generate employment and income for women.
- The Tripartite Commission for Equality of Opportunity for Gender and Race at Work – Presidential Decree created the Commission on August 20, 2004. Its objective is to guarantee equal access for men and women in the labor market. This action is in accordance with Brazil's international commitments to implement public policies to promote equality of opportunity and treatment, and to combat discrimination, particularly at work. It also addresses the principles of isonomy and the promotion of well being for all, without any form of discrimination, set out by the Brazilian Constitution.

The Commission represents an important instrument to discuss and propose public policies for equality of opportunity and treatment, and to combat all forms of discrimination at work, giving priority to gender, racial and ethnic issues. The Commission stimulates mainstreaming those issues into the programming, executing, supervising and evaluating activities performed by the

Ministry of Labor and Employment. It also stimulates parliamentary initiatives on these issues.

- The Institutional Strengthening Program for Gender and Racial Equality, the Eradication of Poverty and the Generation of Employment (GRPE) – The Program involves a partnership between the International Labor Organization (ILO) and the Brazilian Government to mainstream gender and race into public policies devoted to fight poverty and generate employment. The Program's actions include awareness raising, capacity building and training of public administrators and other social actors (particularly union and employer organizations), development of technical assistance activities and strengthening forums for dialogue and social deliberation on these issues.

This Program is part of the ILO Decent Work National Agenda. Over the past 2 years, a National Workshop and Local Workshops have been held. Actions are under way involving the Jequitinhonha Valley Development Agency for the Meso-Region of Jequitinhonha and Mucuri rivers, in the States of Minas Gerais and Bahia; the São Paulo Municipal Government; the São Paulo's ABC metropolitan region– Inter-Municipal Consortium from the ABC metropolitan region; and the Salvador Municipal Government.

Federal, state and municipal entities are responsible for the implementation of the Program, including the Ministry of Labor and Employment, Ministry of Social Development and the Fight against Hunger, the Department of the Economic and Social Development Council, the Special Secretariat on Policies for Women and the Special Secretariat on the Promotion of Policies for Racial Equality.

- The Racial Equality Project – it aims at contributing to eliminate racial discrimination in the labor market and reduce socio-economic inequalities between whites and blacks, taking into account the situation and needs of the black women. This Project is developed by the Regional Labor Departments.
- The Program for Equal Opportunity and to Combat Discrimination at Work – The Ministry for Labor and Employment implements this program that aims at effectively combating social exclusion in the labor market originated by different forms of discrimination. Other objectives are to firmly integrate equality of opportunity, to guarantee the full exercise of citizenship and to stimulate employers to assume a formal commitment to abolish discriminatory practices in the workplace. The main objective is to protect women's employment, since in practice they are the majority of the victims, especially concerning issues of pregnancy and childcare.

It was established a rule that demands that companies with a staff of over 30 women, who are older than 16, should establish an appropriate place to keep their nursing children where they could be cared for. The Law offers companies several possibilities to fulfill this rule: to directly maintain daycare establishments or through agreements with other community daycares run by public or private entities; daycares established by union or patron organizations. Other option is to reimburse the employee daycare expenses.

Other discriminatory practice that affects mainly women, and particularly black women, is the requirement of “good appearance” found in newspaper job advertisements. This practice is forbidden by law, which forbids job announcements that contain a reference to sex, age or color. The only exception foreseen by the law is in cases in which the nature of the activity to be undertaken publicly and notoriously requires such requirements.

Many complaints received under this Program relate to women who are sexually harassed in their work environment, particularly when they work as domestic servants. Unfortunately, this practice occurs in all areas labor activities, including to women in highly qualified jobs. The majority of the received complaints are settled through a mediation process. When the incident typifies the crime of sexual harassment, according to article 216-A of the Penal Code, the complaint is forwarded to the competent authority.

The Ministry of Labor and Employment has been analyzing very closely the conventions and collective agreements clauses that relate to procedures of investigation and analysis of equality of opportunity between men and women at work violations. The analysis aims at identifying clauses that contain abuses, illegalities, or that pose a threat to equal rights at work.

The National Employment System (SINE) is an assistance network in which the actions of the Unemployment Security Program are executed, such as: labor intermediation, professional training, producing information about the labor market and giving operational support to the Generation of Employment and Income Program. SINE’s public targeted are mainly marginalized women workers, such as women with less than four years of schooling or who have not completed elementary school, irrespectively of their age. This Program has established inter-ministerial gender perspective articulations, based on a broad concept of social, legal and public policy building directed to foster male and female workers citizenship and autonomy, in which women play a fundamental role.

The National Training Plan (PNQ) contributes to promote policies integration and to articulate actions for social and professional training in Brazil. The PNQ, together with other policies and actions related to employment, work, income and education, aims at the gradual universalization of the workers’ right to training. Thereby making easier their integration and civil participation in the labor market. It contributes to a broader training for Brazilian male and female workers in order to increase their opportunity to find a job and a decent work. It also helps to increase the level of schooling for male and female workers, to facilitate the process for social inclusion and to reduce poverty. It contributes to combat discrimination and decrease people’s vulnerability. It helps to increase more people’s probability to remain in the labor market and increase productivity.

Thus, the guarantee of universal access under the National Training Policy, as a social right, has been associated with giving priority assistance to sectors that historically have been the target of exclusion and social discriminating processes. Among the participating public, those who are considered most economically and socially vulnerable are given priority, such as: low-income workers and workers with poor schooling; populations victims of various forms of social discrimination that, consequently, have greater difficulty to find jobs (people unemployed for a long period, African descendents, Indigenous descendents, women, youth, disabled, people older than 40 years, etc.).

The National Secretariat for Economy of Solidarity of the Ministry of Labor and Employment implements the Program for Economy of Solidarity in Development. This Program aims at strengthening and making known the economy of solidarity by means of integrated policies to generate employment and income with social inclusion. Consequently, the 2004-2007 Multi-Year Plan provides for the elaboration and execution of an Action Plan for Economy of Solidarity in Development for the Generation of Employment and Income in the Former *Quilombo* Communities. This Plan provides for ethno development agents' training to structure an economy of solidarity and to foster organization and autonomy of its productive organization, in the form of legally constituted associations.

The Ministry of Labor and Employment has established initiatives to protect domestic servants, who are in the vast majority women. The goal is to ensure that their labor rights, y guaranteed by the Constitution, are respected. This includes changing the informal nature of the work and ensuring a minimum wage payment.

The Ministry of Labor and Employment recognizes the need to create mechanisms to facilitate the access to information and to ensure full compliance with labor protection norms and citizenship. Thus, in 2004, the Ministry's Department for Work Inspection published a pamphlet that summarizes, in a simplified and didactic form, the rights and obligations of the domestic employment relationship from its very beginning until it ends.

The issue of domestic work is among the priorities of the National Plan on Policies for Women. The goal is to guarantee compliance with the legislation related to domestic work and to encourage sharing domestic tasks. Moreover, the legislation will be revised in order to extend all labor rights to domestic servants.

The Program for the Eradication of Child Labor (PETI), which currently consists of two specific actions, is designed to assist families who have children less than 16 years old that part of the child labor force. Presently it comprises two specific actions: a) the Child Citizen Grant paid to families, which provides supplementary to the family income in order to make up for withdrawing the child or adolescent from work; b) children are kept in socio-educational and extra-curricular activities after school, through the transfer of funds by the Municipal Governments in the amount of R\$ 10.00 per capita in urban areas and R\$ 20.00 in rural areas.

In 2003, the government assisted 810,823 children and adolescents (314,316 in urban areas and 496,507 in rural areas), in 2606 municipalities in all of the Federation units and the Federal District (DF). Priority was given to children working in activities considered to be harmful to their development in the Northeastern States and rural areas. In 2003, the budget expenditures totaled R\$ 487.6 million, which were mostly costs incurred by income transfer and socio-educational and extra-curricular activities.

From January to May 2004, the Program in more than 2,619 municipalities in every Federal Unit and the Federal District assisted 814,050 children. Comparing the data form the National Household Sampling Survey (PNAD/2002) with the number of children assisted by the PETI it represents 27.23% of the working children and adolescents, from 5 to 15 years old. 60% of the children participating in the Program live in rural areas. Since June 2004, PETI has assisted more 116,774



children and adolescents living in 2788 municipalities. Thus, PETI reached the goal of 930,824 children and adolescents, and spent a total value of R\$ 487 million.

A survey undertaken in September 2002 demonstrated that 220,000 children and adolescents, between 5 and 15 years old, illegally carried out domestic labor. The majority of these children were girls. Therefore, in 2003, domestic work became the target of PETI's intervention, which assisted 13,000 children and adolescents working under this regime, among the different modalities of child labor identified in Brazil.

PETI's perfecting in order to adapt it to the National Policy for Social Assistance meant to typify the Program as a special protection measure for those whose basic rights were violated, turning them into users of the other services offered under the Single System for Social Assistance.

The criteria for expanding the Program in 2004 rated the states by percentage incidence of child labor, in the age group of 5 to 15 years, based on the most recent PNAD/2002 data, in comparison with the percentage coverage of the Program in the respective state. Thus, the Program tries to put emphasis on the states with the greatest incidence of child labor and the least coverage. Priority was also placed on child labor situations in urban areas such as the work of children and adolescents in the streets and domestic work, which means metropolitan areas of each state with greater incidence of child labor.

It is important to highlight that, since its creation, this is the first time the Program's expansion is based on social indicators arising out of national-level surveys undertaken by IBGE, based on a ILO study to make easier the identification of the Program's target public.

During the period covered by this Report, the Special Secretariat on Policies for Women (SPM) has developed a series of capacity-building activities. In 2004, 380 women took part in the Project for Development and Capacity-Building for Women Agricultural Workers for the Administration of Property and Cooperatives, which the Alto Uruguay Livestock Cooperative (Cotrimaio), located in Três de Maio (State of Rio Grande do Sul), a project resulting from a partnership between the SPM and the Ministry of Agriculture, Cattle Raising and Supply.

The course's first module discussed the structure of Cotrimaio and the fundamentals of how the system based on cooperatives works. It also offered basic understanding of economy, market, environment and technology. The second module explained how the livestock market works, concepts in micro-economy, and the mechanism of market-based pricing and management of agricultural properties. The third module emphasized aspects related to women's rights and women's integration into Brazilian society. It focused on the new Civil Code, concepts under legislation related to women's rights, human relations, public management and democracy, contemporary unionism, science and technology.

## CEDAW - Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Women comprise the majority of the Brazilian population (50.77%) and the main users of the Single Health System (SUS). They use the health services for themselves, but more often for their children and other family members, the elderly, disabled persons, neighbors and friends. Women are also the caregivers, not only for children or other family members, but also for people in the neighborhood and community.

Health involves various aspects of life, such as one's relationship with the environment, leisure, nutrition and work, housing and income conditions. Specifically referring to women, the problems are aggravated by discrimination at work and being overburden with domestic responsibilities. Other variables, such as race, ethnicity and poverty, aggravate the inequalities even more. Women live longer than men, however, they become ill more frequently. Women's vulnerability to certain diseases and death causes are more related to discrimination they suffer in society than to biological factors.

Brazil's epidemiological indicators describe a situation in which developed countries (cardiovascular and chronic-degenerative) typical diseases coexist with those typical of developing world (maternal mortality and malnutrition). The levels of morbidity and mortality encountered in women also reveal this mixture of diseases, which in turn follow internal differences of regional development and social class.

Numerous actions undertaken by the Brazilian Government during the period covered by this Report refer to Recommendation No. 15, that Brazil should adopt, among other, additional measures to guarantee the effective access of women, especially young women, women from vulnerable groups and rural women, to information and health services, particularly those related to sexual and reproductive health.

Therefore, in order to address female morbidity and mortality, the Ministry of Health develops the National Pact to Reduce Maternal and Neonatal Mortality. The Single Health System (SUS) three administrative spheres together with other governmental bodies and civil society organizations are responsible for the implementation of the Pact. The goal is to reduce 15% of the mortality rate of pregnant women and newborns by 2007. A network is being established to assist women and adolescents victims of violence. Also, a Technical Rule for Humanized Assistance to Abortion is about to be published and distributed, and health professionals will be trained to provide services for women under unsafe abortion.

The respect and guarantee of human rights - which includes sexual and reproductive rights - are the guidelines by which the Brazilian Government formulates and implements family planning policies, and any other issue related to population and development.

The Federal Constitution in Title VII – Social Order, Chapter VII, Article 226, paragraph 7 describes the State's responsibility concerning family planning in the following terms: *“Based on the principles of human dignity and responsible parenthood, family planning is a decision taken freely by the*

*couple. The State however is responsible to provide educational and scientific resources for the exercise of this right. Any coercion exerted by official or private agencies is forbidden.”*

On January 12, 1996, Law No. 9.263 was sanctioned to regulate family planning in Brazil. Its Article 2 establishes that: *“For the purposes of this Law, family planning is understood as a set of actions to control fertility that guarantees women, men or couples equal rights with regard to starting, limiting or increasing the progeny.”*

The United Nations International Conference on Population and Development (ICPD), held in Cairo, in 1994, conferred a fundamental role on health, and sexual and reproductive rights, surpassing the purely demographic objectives, focusing on the development of the human being. The Conference provoked a profound change in the population debate by placing priority on issues of human rights.

In Chapter VII of the Cairo Programme of Action, reproductive rights are defined in the following manner: *“Reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence.”*(Paragraph 7.3)

During the World Conference on Women, held in Beijing, in 1995, the agreements reached in Cairo were reaffirmed and advances were made concerning the definition of reproductive and sexual rights as human rights. Sexual rights were defined in a more autonomous manner than reproductive rights.

During these Conferences, the governments of several countries, including Brazil, committed themselves to incorporate the perspective of sexual and reproductive rights into all of the national policies and programs devoted to population and development, including family planning programs. The Cairo and Beijing principles strongly oppose compulsory population goals, involving either conception or contraception.

The Programs and Platforms for Action resulting from the above mentioned Conferences emphasize the need to promote equality between men and women, as an essential requirement to achieve improvements in health and quality of life, as well as to promote the effective involvement and co-responsibility of men in questions relating to sexual and reproductive health in an egalitarian manner. Governments are also urged to provide adolescents with adequate information and services to attend their sexual and reproductive health needs.

It is worth mentioning that, with respect to the issue of a possible “demographic explosion”, the data prove just the opposite. During the recent decades what is actually happening in Brazil is an accentuated and systematic decline in the total fertility rate, which decelerated the annual population growth. The average geometric rate of annual population growth over the period of 1991 to 2000 was only 1.63%, one of the lowest ever registered. This reflects a continued decrease in fertility during the 90s. This decrease is generalized throughout the country (IBGE, Demographic Census 1960 to 2000).

The total fertility rate, today estimated at 2.3 children per woman, decreased drastically from the level of 6.2 observed in the mid-60s. From a regional point of view, the highest values are found in the North and Northeast, at 3.2 and 2.6 respectively. The values for the Central West and South regions stand at 2.2, and for the Southeast 2.1. In 1970, the fertility rates for the North and Northeast were higher than 8 children per woman (IBGE, Demographic Census 1960 to 2000).

Nowadays, the fertility rate among the poorest women is 4.0 children by contrast with the rate of 1.6 for women enjoying better socio-economic conditions. However, it was among the poorer classes that a decrease in the fertility rate has been more dramatic over the past decade – on the order of 20.5% (IBGE, Demographic Census 1960 to 2000).

The process of decline in fertility, particularly starting in the 80s, was generalized throughout all regions and social strata. Thus, in 2000, even the regions that had previously shown high fertility rates experienced a significant decrease. However, this accentuated fall in fertility has not been followed by significant changes in the existing levels of poverty and social inequality.

It is in the Northeast Region that we observe the highest levels of absolute poverty and income concentration in the country. Indicators also show that this situation in general is worst among women, as well as among Afro-descendent men and women.

The Ministry of Health understands that birth control that implies in government interference in the reproductive life of men and women is not an appropriate strategy to address the poverty existing in the country. This would also run against the principles of sexual rights and reproductive rights. To overcome this situation the government has to implement policies that promote sustainable development and a more egalitarian distribution of wealth, thereby reducing the existing huge inequalities.

A priority of the Brazilian Government is to reduce maternal mortality. The high rate of maternal mortality in Brazil represents a violation of women's human rights, and addressing this problem requires the involvement of various social actors. On March 8, 2004, President Luiz Inácio Lula da Silva launched the National Pact to Reduce Maternal and Neonatal Mortality, in order to guarantee that the national policies are in fact implemented and answer to the actual local needs of the population.

In February 2004, a National Seminar on Obstetric and Neonatal care was held to establish the Pact's strategic actions. Representatives from the State and Municipal Health Departments, as well as organized civil society took part in the Seminar. Subsequently, in a meeting between the representatives of the departments of the Single Health System it was agreed upon the goal to reduce the mortality rate of women and newborns by 15% by the year 2007.

Since then, the Federal Government has been hosting Seminars in different states, with the participation of Municipal Health Secretariats and non-governmental organizations in order to contribute to prepare local plans to reduce maternal and neonatal deaths.

To implement the provisions of the Pact, different Ministry of Health's departments and coordinating agencies involved in the effort to improve the quality of obstetric care and family planning allocated resources from the Federal Government budget.

Resources from other Ministry actions were also redirected in order to assist 79 municipalities, with populations over 100 thousand inhabitants, to implement the National Pact to Reduce Maternal and Neonatal Mortality. The Federal Government increased the amount paid for childbirths under the Single Health System, to 45% for natural births and 19% for cesareans.

The Federal Government supports the establishment of Maternal Death Committees all over the country as a means to improve the records of maternal deaths. Four state and regional seminars were organized with technical and financial support from the Federal Government, in order to train health professionals to study maternal deaths and/or to create Regional and Municipal Committees on Maternal Death.

In 2003, pursuant to a commitment made in connection to maternal death, the Federal Government published an Administrative Ruling that turns the notification of maternal deaths compulsory and reactivated the National Commission on Maternal Mortality.

Also in 2003, the Fifth National Forum on Maternal Death was held, with the participation of all of the state and municipal capitals committees, scientific societies, professional associations, the women's movement and the Pan-American Health Organization.

Nowadays, there are 26 State Committees on Maternal Death working, while in 1998 only 14 were active. In 1998, only nine municipal capitals had Committees that worked or investigated maternal deaths. In 2003, the number of municipal capitals Committees increased to 26. A Technical Group (TG) on Cesareans was created to define strategies to reduce cesarean birth rates. In 2004, this TG organized a workshop called "Cesareans in Brazil: Present Situation and Perspectives", with the participation of the several Ministry of Health's sectors working with this issue, as well as civil society.

Another strategy employed was to give the Galba Araújo award for innovative experiences in caring for women on public maternity wards. Four maternity wards from different regions of the country received a prize of R\$30,000.00 each.

In 2000, the Program for the Humanization of Labor and Birth (PHPN) was established in order to improve the quality of prenatal care and to address the problem of the discontinuity between assistance during pregnancy and the birth. The PHPN requires at least six medical consultations and routine laboratory exams during the prenatal period, in addition to required procedures for adequate assistance during labor and birth. The PHPN establishes the right of the woman in labor to have a companion or attendant present during labor and free visiting hours for her partner.

Moreover, the municipalities and maternity wards that adhere to the Program and comply with all of its established criteria will receive an additional amount per pregnant woman attended. In order to guarantee that the woman knows in which maternity hospital she will give birth, the Program instituted a linkage between the institution where she receives her prenatal care and the institution

where she gives birth. The Ministry of Health supported the establishment of centers of vacancies in all states.

The PHPN's implementation and the establishment of measures that make easier for municipalities to adhere and to implement the Program has been continuous and effective. In 2003 and 2004, 718 municipalities adhered to the Program, a total of 4756 in September 2004. In 2003, 574,114 pregnant women were registered in the Program and 303,068 for the period of January to June 2004. Of the total of 1,351,580 women registered, 150,176 concluded the prenatal assistance.

It is also worth mentioning the debate that arose in Brazilian society concerning judicial authorization to interrupt voluntarily the pregnancy in case of an anencephalic fetus. The Special Secretariat on Policies for Women and the Ministry of Health took a stand supporting the authorization to interrupt the pregnancy if the pregnant woman so wishes. This was also the stand taken by the National Council on Women's Rights and the National Council on the Rights of the Human Person.

The Law no. 8,080 (Organic Health Law), published in 1990, established that the set of actions and health services, provided by federal, state and municipal governmental bodies and institutions, of the direct and indirect administration, and the foundations maintained by the government form the Single Health System. The basic principles of the System are: decentralization, with a single administrating body at each level of government; equity; universal access; full assistance; and social participation, among others.

Thus the roles of the three administrative levels (federal, state and municipal) of the SUS were redefined. The principal mandate of the federal level is to formulate, evaluate and support policies; regulate actions; provide technical cooperation with the States, the Federal District and the municipalities. The federal level also controls and evaluates the actions and services, while respecting the mandates of the other levels. The main mandate of the SUS' state level administration is to promote the decentralization of services; implement actions and procedures in order to complement the municipal activities and provide them with technical and financial support. The SUS' municipal administration main responsibilities are to implement, control and evaluate the health actions and services at this level.

Soon after the beginning of the AIDS epidemic in Brazil the first cases in women were detected. Since then, the number of cases of AIDS among the female population has increased significantly. In 1986, there was the proportion of one case of AIDS registered in woman to 16 cases of AIDS registered in men. Since 1998, this proportion changed to one in two. 111,314 cases of AIDS have been registered in women until June 2004. It is also observed that the increase in AIDS has been increasing in the lowest socioeconomic level, especially among women.

The transmission of AIDS to women is basically through sexual contact with infected partners. In approximately 40% of the AIDS cases, the women reported having multiple sexual partners. The other 60% reported having partners with multiple sexual partners, partners who were drug users by injection and partners HIV positive.

AIDS transmission by infected mother to her baby, during pregnancy, labor or nursing, has also been a problem in Brazil. Almost 9,000 children, up to 12 years old, who have been registered with AIDS,

were infected during the period of pregnancy or birth. Yet, when an HIV-positive diagnosis can be made during the prenatal period and adequate measures are taken to treat the mother (assisted labor, suspension of the use of the mother's milk and treatment of the child for four weeks), this kind of transmission can be reduced to less than 3% of children. This type of action must be embraced by all of the health professionals and society.

It is estimated that approximately 600,000 people are now living with HIV in Brazil. The estimated number of HIV-positive pregnant women is around 15,000, and the number of pregnant women with syphilis is about 60,000.

The Federal Government's actions of prevention and assistance for STD/AIDS take into account the manner in which men and women socialize, inter-relate and express their sexuality, in order to try to understand the different female and male vulnerabilities. Aspects such as, access to information, provision of services network, capacity for personal perception of risk, personal ability to deal with risky situations, gender and generational relationships, attitudes related to sexuality, religious beliefs, poverty, and social and health services define a greater or lesser vulnerability and risk to infection by HIV/AIDS.

Gender inequalities in relationships are aspects of women's vulnerable to HIV/AIDS, given that relationships based on power and the frequent threat of violence often make it impossible for a woman to insist on safer sexual practices. The three levels of government (federal, state and municipal) established the three levels of government agreed to the strategies and investments in prevention-related materials, such as male and female condoms. These strategies are important to strengthen the increased access of women to the possibility of insisting on their sexual partners using condoms, to strengthen women's self-esteem and to ensure double protection for women.

In relation to AIDS, the Federal Government administers policies for women based on references such as social vulnerability, gender, race, age, and social, political, economic and cultural factors. These policies also consider the diversity/plurality of the female populations, aiming at prevention and assistance, giving priority to the more vulnerable sectors of the female population.

The Federal Government's National Program for STD/AIDS supports prevention projects for women. Between 1999 and 2004, 317 projects were established and more than R\$ 12 million was invested to reach almost four million people.

During the present administration, a new campaign for vertical transmission prevention of syphilis and HIV, targeting pregnant women, health professionals and managers has been launched. The objective is to foster improvement the prenatal care's quality by encouraging health professionals to offer diagnostic tests, and if tested positive, to treat the mother and her partner in order to avoid infection of the baby. The two exams are free under the public health system. The campaign was launched on the occasion of the International Day of the Fight Against AIDS, for which the theme in 2004 was "Women, Girls, HIV and AIDS".

The campaign was publicized across the country by radio, television, specialized magazines, pamphlets and posters. With this campaign the Ministry of Health expects to reduce the rate of HIV

infection close to zero and eliminate congenital Syphilis by 2007. The earlier the diagnosis is made and treatment begins, the greater are the chances to avoid this type of transmission.

Syphilis is almost four times more frequent in pregnant women than infection with HIV. If it is not treated during pregnancy or if the treatment is inadequate, the syphilis could result in the death of the fetus or leave the baby with sequel, such as deafness, neurological problems or poor bone formation, among others. In the case of HIV, when the mother does not receive treatment, the baby could be born infected with the virus. The mother who is tested HIV positive cannot breastfeed, since one-third of infections occur as a result of breastfeeding. The SUS provides infant formula for free as a substitute for maternal milk, as well as exams and treatment for AIDS and syphilis.

Paradoxically, the numbers for the AIDS epidemic reveal a harsh reality –women’s ignorance of their own vulnerability. For girls and women it was imperative that the government responds with coherent policies of family planning, and to revive the debate on abortion, sexuality and adolescent pregnancy. All these factors add to biological vulnerability and acutely expose women to the epidemic - relationship inequality, sexual violence, impossibility to demand the use of condoms and, above all, economic and cultural inequalities. And, in this sense, the Federal Government efforts are innumerable.

With reference to HIV/AIDS, to implement responses to women’s health as a whole means to implement public policies that support the exercise of all of her rights, independently of serology.

Examples of measures to improve the quality and assistance include: 1) launching of the *QUALISUS* and *HUMANIZASUS* projects to enhance the care given under SUS through an improvement in access, an improvement in resolving issues and humanization; and 2) expansion of the Community Health Agents and Family Health Programs. In the last two years, 20,208 community health agents have been hired, and 477 Family Health teams and 4551 Oral Health teams have been constituted, for a total of 195,491 community health agents, 21,475 Family Health teams and 8812 Oral Health teams.

Since 2003, after participation in the 12<sup>a</sup> National Conference of Health and the definition of the Term of Commitment between the Special Secretariat of on Policies for the Promotion of Racial Equality and the Ministry of Health, to implement the National Health Policy for the Black Population, the Technical Committee (Order GM/nº. 10), comprised by the federal government and civil society, was created with the objective to redesign the National Plan of Health.

In 2004, still working within this partnership, the Seminar “Black People’s Health under the National Health Plan: Affirmative Actions to Enhance Equity” was organized to deepen the discussions concerning the re-elaboration of the Plan and to involve researchers of the health of the black population. The Technical Committee is working with the results from this Seminar to redesign the Plan.

In 2004, Brazil hosted the Meeting of Specialists, “Looking at the Millennium Development Goals through Ethnic Lenses: Ensuring that the Millennium Goals for Health Include an Ethnic Perspective in Latin America and the Caribbean”, organized by the Office of the High Commissioner for Human Rights of the United Nations and the Pan-American Health Organization (PAHO). The objective of



the Meeting was to ensure that the Millennium Development Goals contribute to overcoming racism, racial discrimination, xenophobia and related intolerance.

With the resolute decision to address racial inequality in the country, the Federal Government has undertaken certain, specific actions in relation to black women's health: introduction of an exam to detect Falciform Anemia in prenatal exams; preparation and publication of a book called "Equity Perspective in Attention to Differences in the National Pact to Reduce Maternal and Neonatal Mortality – Care for Black Women" and inclusion of a question about color on the Ministry of Health forms and in the information systems.

In 2004, in order to establish specific strategies for action for different population groups, the Brazilian Government, through the Ministry of Health, created a Technical Committee on Black People of and another Technical Committee to deal the of gays, lesbians, transsexuals and bisexuals health.

The Government also created, in 2003, a Working Groups on the health of black women and lesbians. One Working Group also addressed Rural Populations – Group of the land. The participation of civil society, universities and scientific associations was encouraged in all of the Working Groups.

From 2001 to 2004, the Ministry of Health, through the Technical Area for Women's Health, facilitated the realization of various capacity-building efforts in order to change the paradigm for obstetric care and humanize the assistance provided. These efforts included: 1) training courses for Community Doulas<sup>6</sup> – women from the community who accompany and assist women in labor, in 7 Brazilian States; 2) 34 specialization courses in obstetric nursing; 3) capacity building for 85 health professionals to act as instructors and for 157 traditional midwives in several of the Brazilian States; 4) Prenatal training for professionals from the Municipal Health Departments; and 5) Training in Scientific Evidence for Obstetric and Humanized Neonatal Care for representatives from the 27 largest maternities, one from each of the Brazilian States.

#### CEDAW - Article 13

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States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a) The right to family benefits;
  - b) The right to bank loans, mortgages and other forms of financial credit;
  - c) The right to participate in recreational activities, sports and all aspects of cultural life.
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<sup>6</sup> DOULAS: is a Greek word that means "a women who serves another", a "servant". The term was first revived by Dana Raphael, an American anthropologist, to refer to a woman who helps other women during pregnancy, labor and post-partum, or for breastfeeding. Currently, this word is used internationally to refer to a woman, experienced in labor, who provides physical and emotional support, as well as information to a mother before, during and directly after the birth.

During the period covered by this Report, actions in compliance with Article 13 of the Convention were undertaken.

In the scope of the Ministry of Labor and Employment (MTE), the National Secretariat of Solidary Economy (SENAES) was created. As strategy that goes beyond the market structure, the solidary economy corresponds to the set of economic activities - of production, distribution, consumption, saving and credit - organized under the self management form, for the collective property of the means of production of good or rendering of services and for the democratic participation them members of the organization or enterprise in the decisions. The solidary economy is one of the ways to combat exclusion and precarious work.

The presence of the rural woman workers in the fight for the agrarian reform in Brazil is quite remarkable. The demand by women's social movements for title deeds demonstrating joint ownership in land increased. As a result, article 189 of the Federal Constitution was included, that it affirms, in its only paragraph, that: "the title deed and the and the concession of use will be conferred to the man or the woman, or to both, independently of the civil status". Grant for use shall be conferred upon the man or the woman, or both, independently of the person's civil". Despite the constitutional guarantee, its implementation still is precarious.

In the agrarian reform census, carried out in 1996, the presence of the percentage of women holder of the land was equivalent 12%. This rate is considered low, compared with other Latin American countries. In Colombia, for example, this index is 45%. Research carried through in 2002 for the University of Campinas/FAO disclosed that 87% titleholders of the land emitted by the INCRA are on behalf men, thus maintaining the low rates of female titleholders. The rate of access of rural women to the land is still lower in the Program Ballot of the Land. Of the titles emitted by this program, 93% benefited men directly.

In 2001, the Program of Affirmative Actions of the Ministry for Agrarian Development (MDA), recognized as problem the fact of that the credits destined to the women did not exceed 10% of the total granted. The Administrative Ruling n°. 121, of May 22<sup>nd</sup>, 2001, established that a minimum of 30% of the resources of the National Program of Family Agriculture (PRONAF) should be preferentially destined for women agricultural. However, this did not modify the reality of the lack of access for women agricultural workers to the rural credit provided by this program.

In 2001, the Affirmative Action Program of the (MDA) recognized a problem - at most, only 10% of the credits that were granted went to women. No. 121, dated May 22, 2001, established that a minimum of 30% of the resources of the National Program for (PRONAF).

One of the factors that influence this situation is that the rural women are not recognized as agricultural workers. Often, they refer to themselves as housewives who help their husbands on the farm. They enjoy very little economic autonomy or power to manage resources, even those derived from their own work. Moreover, they consider the banks' demand for documentation to be exaggerated and the banks' usual procedures as inappropriate for women agricultural workers. This represents yet another difficulty in accessing credit.

The PRONAF is structured as a credit for the family unit and requires the commitment of all of the family members. Yet its public interlocutor is only one person, in general the man, husband and father. This is manifested in the Declaration of Qualification to PRONAF (DAP), that it has only one bearer, in 88% of the cases, man. The DAP is the “passport” for the credit. If a woman agricultural worker asks for credit, her husband must make the request and sign the documents. Conversely, when the man makes the request it is not necessary written consent of his wife. For the 2004/2005 harvest, the introduction of the DAP for joint titleholders and the compulsory participation by both the man and the woman, open a new possibility for discussion.

One of the goals of the National Plan on Policies for Women is to grant credit to 400,000 rural women workers, over the period of 2005 and 2006. One of the priorities of the Plan is to promote economic and financial autonomy of the women by means of the support for entrepreneurial endeavors, collaboration and trade. The Plan indicates, still, actions to extend the access of the women to all the available credit systems, as well as to expand the volume of credit devoted to women under the MTE and MDA programs, including under PRONAF-Woman. Implementation of this priority will also require actions to divulge PRONAF-Woman and the obligation that the Declaration of Qualification for credit on behalf of name of both titleholders (men and women agricultural workers).

The participation of women in sport is increasing. For example, the Brazilian delegation to the Olympic games boasted the biggest female contingent in Brazil’s history of participation in the Games. Women are distinguishing themselves as first-class athletes in various sports modalities (Olympic Gymnastics, volleyball and synchronized swimming, etc.).

#### CEDAW - Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - a) To participate in the elaboration and implementation of development planning at all levels;
  - b) To have access to adequate health care facilities, including information, counseling and services in family planning;
  - c) To benefit directly from social security programs;
  - d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

- f) To participate in all community activities;
- g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Following a trend that has been occurring in Brazil and in the rest of the world for several decades, the rural population as a whole is decreasing both in absolute numbers and in terms of ratio of the Brazilian population. As a consequence of the rural exodus and the transformation of rural areas into small cities and villages, the rural population has decreased from 24% in 1991 to 18% in 2000 (IBGE, Demographic Census).

Taking as parameter the resident feminine population living in rural areas, from a total of a little more than 15.5 million women in 1992 the number decreased to 13 million in 2003. This represents a reduction of 6 points, from approximately 21% of rural women to 15% over the decade analyzed.

<b>Women Living in Rural Areas, by Color/Race. Brazil, 1992 and 2003</b>				
Color or Race	1992		2003	
	Quantity	%	Quantity	%
Whites	6,825,793	43.8	5,513,885	42.3
Blacks	8,752,583	56.1	7,466,660	57.3
Others	20,411	0.1	47,158	0.4
Total	15,598,787	100.0	13,027,703	100.0

Source: Brazilian Institute for Geography and Statistics (IBGE) – microdata National Household Sampling Survey (PNAD) 1992 and 2003.

Preparation: Institute for Applied Economic Research (IPEA)/Department for Social Studies (DISOC)

An analysis of the composition of this population, according to race or color, shows a greater proportion of black women (57%) among the rural female population – an amount that has not changed significantly between 1992 and 2003.

In compliance with the Committee's Recommendation No. 16, the amount of data disaggregated by sex for rural women in Brazil has increased.

With respect to the age distribution of the rural female population, although there is still a greater concentration of women under 19 years old, this ratio has been decreasing as consequence of a demographic trend - the Brazilian population is aging. This trend is accentuated for women, who enjoy a longer life expectancy than men. Thus, in 1992, almost 50% of rural women were less than 19 years old. In 2003, this ratio dropped to 42%, still a high value, but it reflects the process of population aging.

Age Distribution of rural women, by color/race – Brazil, 1992 and 2003						
Age Groups	1992			2003		
	Race/Color			Race/Color		
	White	Black	Total	White	Black	Total
0 to 4	12.5	12.8	12.6	9.4	9.7	9.5
5 to 9	12.1	14.4	13.4	10.4	12.1	11.4
10 to 14	11.7	13.7	12.8	9.2	12.1	10.9
15 to 19	10.1	10.3	10.2	9.4	10.7	10.2
20 to 24	8.1	7.7	7.9	8.1	8.5	8.3
25 to 29	7.5	6.9	7.2	6.8	7.6	7.2
30 to 34	6.7	5.8	6.2	7.2	6.1	6.5
35 to 39	6.3	5.2	5.6	6.9	5.9	6.3
40 to 44	4.9	4.6	4.7	6.0	5.3	5.6
45 to 49	4.2	3.9	4.0	5.6	4.9	5.2
50 to 54	3.7	3.4	3.6	4.6	4.2	4.4
55 to 59	3.3	3.1	3.2	4.5	3.7	4.0
60 to 64	2.9	2.6	2.7	3.6	3.0	3.2
65 to 69	2.3	2.0	2.1	3.1	2.2	2.6
70 or older	3.9	3.7	3.7	5.3	4.1	4.6
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: IBGE - microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC

Educational indicators demonstrate a significant evolution in the situation of rural women. Although the literacy rate is still lower in comparison with the urban population, the progress occurred in the last decade in terms of the average number of years of schooling is undeniable. Thus, the analysis of the ratio of women with 15 years or more and 25 years or more (in order to measure the adult population) who know how to read and write, indicates an increase in the literacy rate of 15% and 20%, respectively during the period between 1992 and 2003. When this information is disaggregated by race or color, a significant level of inequality between white and black women becomes evident.

An increase in the literacy rate occurred for the two groups of women, but it was not enough to improve the situation of educational equality in terms of degree of education: 83% of rural white women aged 15 or older and 79% of those aged 25 or older could read and write. These values do not reach 70% for rural black women aged 15 or older, nor even 60% for women aged 25 or older. Given that black women form the majority of the rural female population, it is clear that educational indicators here presented do not evolve more intensely due to disparity and backwardness of the black population situation compared to the white population.

<b>Literacy Rate for Women Living in Rural Areas, 15 years or older, Total and by Race/Color – Brazil, 1992 and 2003</b>						
Know how to Read or Write	1992			2003		
	Total	Race/Color		Total	Race/Color	
		White	Black		White	Black
Yes	64.9	76.5	55.0	74.6	83.3	67.9
No	35.1	23.5	45.0	25.4	16.7	32.1
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: IBGE- microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC

<b>Literacy Rate for Women Living in Rural Areas, 25 years or older, Total and by Race/Color – Brazil, 1992 and 2003</b>						
Know how to Read or Write	1992			2003		
	Total	Race/Color		Total	Race/Color	
		White	Black		White	Black
Yes	57.0	70.8	45.0	67.7	79.0	58.2
No	43.0	29.2	55.0	32.3	21.0	41.8
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: IBGE- microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC

The same conclusions can be drawn from an analysis of the average years of schooling for rural white and black women. Although the literacy rate for both groups has improved, inequality still exists between whites and blacks. However, the evolution of these indicators along the decade was more favorable for black women than for white. This is due to the fact that for white women, aged 15 or older there was an increase of approximately 30% in the average years of schooling, whereas the increase for black women was of 64%. Yet, this fact is relative, because black women started from a much lower average in 1992 and, therefore, it was easier to achieve significant increases for them than for white women, who already had higher rates in 1992.

<b>Average Number of Years of Study for Women Living in Rural Areas, by Race. Brazil, 1992 and 2003.</b>				
Color or Race	1992		2003	
	15 years or older	25 years or older	15 years or older	25 years or older
White	3.6	3.1	4.7	3.9
Black	2.1	1.6	3.5	2.6
Total	2.8	2.3	4.0	3.2

Source: IBGE- microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC

With respect to addressing the educational needs of the rural population, the creation of the General Coordinating Agency for Rural Education, under the Department for Continuing Education, Literacy and Diversity of the Ministry of Education (Decree 5.159/04, dated July 28, 2004) was an important institutional measure.

The creation of the Coordinating Agency addresses a social movements representing rural workers claim. It was formalized during the First National Conference for Rural Education, organized by the National Confederation of Agricultural Workers (CONTAG), the Rural Workers Landless Movement (MST), the Pastoral Commission of the Land (CPT), and Family Centers for Alternation Training (CEFFAs), among other entities that have developed successful rural education experiences over the years.

The main objective of the Coordinating Agency is to build a national policy on rural education that addresses the specific characteristics of the different communities that comprise the rural environment in the country. In order to attain this objective, the National Council on Education approved the Operational Guidelines for Basic Education in Rural Schools (Resolution CNE/CEB No. 01, dated April 3, 2002). The first step in the formulation of the policy (still under way) is to divulge the Guidelines through seminars organized in different states of the federation, with the participation of representatives from the state and municipal public and local rural workers social movements.

The insertion of rural women into the labor market is clearly inferior to that of the urban women, and occurs under more precarious and informal conditions. In this respect, it is important to emphasize the invisibility of rural workingwomen. As a family agriculture and the small production worker, the woman is usually seen as a helping hand and her tasks are considered as a mere extension of the domestic work under her responsibility.

Even the female farm worker tends to define herself as a housewife, rather than as a worker involved in an agricultural activity. Often, she does not recognize her work as productive (in the sense of producing income), but as fieldwork directed at ensuring family survival. This contributes to mask the real contribution of these women to the family production and income. The fact that women comprise only 16% of the people who declare themselves as occupied in the agricultural sector (IBGE – PNAD 2003) illustrates this phenomenon<sup>7</sup>.

Another way to visualize this fact is the analysis of the positions held by rural workingwomen. As it can be seen in the table below, approximately 60% of women who declare themselves occupied in the rural sector are concentrated in the categories for workers producing for their own consumption and unremunerated workers. According to the Rio de Janeiro Institute for Economy, in 2002, of the total number of people without access to monetary income, 80% were rural workingwomen. It is interesting to note that, between 1992 and 2003, this distribution did not change significantly. This indicates a highly persistent pattern of behavior and understanding of the roles of women and men in agricultural work.

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<sup>7</sup> Other important information with respect to the rate of activity of urban and rural women, as compared to men in the same categories, can be found in the National Plan on Policies for Women, annexed hereto.

<b>Rural Working Women, 16 years or older, According to the Position Held and Race/Color. Brazil, 1992 and 2003</b>						
Position in the Occupation	1992			2003		
	White %	Black %	Total %	White %	Black %	Total %
Employee with employment record book or permanent public employee	11.5	7.1	9.2	13.0	8.0	10.3
Employee without employment record book	7.0	10.1	8.6	7.0	9.4	8.3
Domestic Worker	6.2	7.1	6.7	8.1	9.1	8.6
Self-Employed	10.6	19.1	15.1	11.2	14.7	13.0
Worker Producing for Personal Consumption	25.4	28.7	27.1	24.9	30.4	28.0
Unpaid	38.5	27.6	32.8	34.7	27.9	31.0
Employer	0.7	0.3	0.5	1.1	0.5	0.8
Other*	0.0	0.0	0.0	0.0	0.1	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: IBGE- microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC

Note:\* the category "Others" corresponds to all of the workers producing for personal use and informal employees (without an employment record book).

An analysis of the average income of rural workers clearly shows the great inequality that exists between white and black women, and particularly the persistence of this inequality. Thus, if in 1992 black women received only 58% of the income earned by white women, ten years later the situation is practically the same, with rural black working women receiving 56% of what rural white working women receive.

<b>Average Income for Rural Women, 16 years or older, by Race/Color. Brazil, 1992 and 2003</b>								
Color or Race	1992				2003			
	Principal Work		All Work		Principal Work		All Work	
	Nominal value, in cruzeiros	Black/White	Nominal value, in cruzeiros	Black/White	Nominal value, in reais	Black/White	Nominal value, in reais	Black/White
White	133,274.32		136,766.46		127.27		134.03	
Black	77,543.13	58%	80,638.42	59%	71.6	56%	73.23	55%
Total	103,559.91		106,840.69		96.93		100.91	

Source: IBGE- microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC



An analysis of the distribution of rural workingwomen, by income level is highly relevant to the issue of remuneration. The table below shows this distribution for all women workers desegregated by race. It is astonishing to note that more than two-thirds of the rural workingwomen received income of up to one-quarter of a minimum wage in 2003. Black women workers form a slightly larger proportion of this income level – 65% are white women and 70% are black women.

It should be emphasized that these results do not imply that 70% of rural women are poor or indigent. The household (or family) is the basis to measure the poverty level, whereas this analysis is based on an individual level. These data, however, form a good approximation of the degree of economic dependence and subordination - and consequently psychological - of women regarding their partners.

Such phenomenon, therefore, constitutes an important alert to guide policies to generate employment and income aimed at the rural public. It is urgent that these policies should include a gender perspective, in order to provide rural workingwomen with greater autonomy and economic independence.

<b>Distribution of Rural Women, Working, 16 Years or Older, by Monthly Income (as a proportion of minimum wage) and Race/Color, 2003</b>			
Proportion of a Minimum Wage	Principal Work		
	Total	Color or Race	
		White	Black
Up to 1/4 Minimum Wage	67.8	64.8	70.2
1/4 to 1/2 Minimum Wage	7.4	5.3	9.2
1/2 to 1 Minimum Wage	5.5	5.4	5.6
1 Minimum Wage	6.6	5.9	7.2
Greater than 1	12.6	18.5	7.7
Total	100.0	100.0	100.0

Source: IBGE- microdata PNAD 2003

Preparation: IPEA/DISOC

Finally, an analysis of the indicators for social security coverage is relevant. The 1988 Federal Constitution guaranteed the access of rural workers to retirement benefits at an age five years earlier than the retirement age for urban workers. This is a non-contributory pension scheme for those integrating the family agriculture regime. However, the person must prove he or she actually exercised rural work. This can be done presenting, for instance, the proof of being a member of a union, of owning land or of having one's name included on receipts for retail products, in the case of workers who contribute to the special system for rural retirement.

One of the big obstacles that women face when requesting retirement benefits is precisely the need to prove her status as rural worker. A large number of rural workingwomen do not even have basic civil documents, such as an identity card or Personal Registration Number (CPF). This prevents women from joining unions or from proving their rural worker status in any other way, and even prevents their request for benefits, since the Ministry for Social Welfare requires the presentation of an identification document, in addition to the need to provide proof of rural work.

In order to solve this problem, the Federal Government has been taken different actions to facilitate rural women's access to basic civil documentation and other documentation necessary to guarantee their rights as a citizen and as a beneficiary of government social programs.

As a result, an analysis of the data set out below shows an evolution in the number of rural women who received retirement benefits or pensions between 1992 and 2003. This could be related to both the policies for documentation for rural workingwomen and to the aging of the population, in particular the female population. The increase in the number of rural women benefiting from retirement allowances or pensions is on the order of 85% over the decade analyzed.

However, this increase occurred in a different manner for whites and blacks. While the proportion of women who received retirement benefits or pensions doubled for white women, it increased by "only" 70% for black women.

<b>Rural Women, Retired or Receiving a Pension, According to Race/Color 1992 and 2003</b>						
Received retirement benefits or a pension	1992			2003		
	Total	White	Black	Total	White	Black
Yes	7.3	7.4	7.3	13.6	15.2	12.4
No	92.7	92.6	92.7	86.4	84.8	87.6
Total	100.0	100.0	100.0	100.0	100.0	100.0

Source: IBGE- microdata PNAD 1992 and 2003

Preparation: IPEA/DISOC

An important aspect of the exclusion and discrimination experienced by women in the rural areas is violence. Data from the research undertaken by the Santa Catarina Agricultural Women Movement – MMA/SC (2002) about the various forms of violence suffered by rural women show that 10 out of every 100 women suffer aggression from their husband. Despite these statistics, women still remain largely silent on the issue. 26.2% of the women interviewed, did not answer the question as to whether or not they suffered some type of violence.

Of the women interviewed, 48.4% know a woman in the community who was beaten, 34.2% know of cases of rape - 24.7% of which revealed that these cases happened within their own communities. More than half of the interviewees (53%) had been verbally abused.

With respect to decision-making and autonomy, the study revealed that 64.3% of the women did not have the freedom to make decisions and 19.8% said that it was seldom that they could make decisions. With respect to rights, 44% of the women had been deceived in some way, and 19.4% of these had been deceived with respect to health care.

Several measures have been taken by the Government to change this situation of inequality that affects rural women. Particular among these is the obligation for joint title to land.

The 1988 Federal Constitution article 189, single paragraph, states, “The title deed and the grant for use shall be conferred upon the man or the woman, or both, independently of the person’s civil status”. However, despite being required under the Constitution, legal instruments to make joint title to land obligatory did not exist until 2003. Thus, the process was precarious and difficult to implement, and as a result of the existence of a hierarchical system for rural land, based on a gender perspective in wherein the ownership of land was “naturally” a men’s right.

In 2003, through the Ministry for Agrarian Development (MDA), the Government made joint title to land a reality. Addressing one of the main demands of the rural working women’s movements, the MDA, through the National Institute for Settlement and Agrarian Reform (INCRA), established in Administrative Rule No. 981, dated October 2, 2003, that joint title to land is compulsory. Thus, in the National Plan on Policies for Women (PNPM) p.44, the Federal Government declared the goal to grant 400,000 joint titles to land, in the case of lots owned by couples, to all of the families benefited by agrarian reform between 2004 and 2007.

In November 2003, still from the perspective of expanding rural women’s access to land, the government presented the Second National Plan for Agrarian Reform. Besides a broader view of the Agrarian Reform, the Plan also turns the access to land more democratic by decentralizing the land ownership structure. It also recognized the social and cultural diversity of the rural population and the specific features related to gender, generation, race and ethnicity relations, which requires unique approach for overcoming inequality.

In an effort to change this reality, starting with the Harvest Plan 2004/2005, changes were implemented in the Declaration of Qualification for the PRONAF that now is made in the name of the couple, in order to seek a greater inclusion of women in the program. Also, under PRONAF – Woman, a line of credit in the Harvest Plan 2004/2005 was created especially for women. Thus credit is seen as one of the instruments of access, increase in autonomy and recognition of the economic rights of rural women, as well as to promote equality between men and women in family agriculture.

Also important was to launch the National Program for Documentation of Rural Working Women under the National Plan on Agrarian Reform. The Ministry for Agrarian Development and the INCRA, in partnership with other governmental bodies, including the Special Secretariat on Policies for Women, develops the Program. The objective is to provide basic civil documents (CPF, worker’s employment record, identity card, birth certificate and social security registration [INSS]) free of charge for women settled under agrarian reform and for family farmers.

This documentation is necessary to have access to numerous public policies of the Federal Government, such as the Family Grant Program, credit programs, social security benefits and joint title to land. The Documentation Program understands that obtaining these documents as a necessary step to integrate the rural women into policies of development and access to land. It is also an important instrument to establish the conditions to improve rural women’s value in the society as a whole, as well as to foster recognition of their protagonist role, together with other actors, for the social changes in the rural area.

Still from the perspective of promotion of the citizenship and the social control, the inclusion of two representatives of the movement of women in the National Council for Rural Development

(CONDRAF) and the creation of the Committee for the Promotion of Gender, Racial and Ethnic Equality are two other important actions developed by the federal government. This Committee will have to consider actions that address the ethno development of the indigenous peoples and communities' *quilombolas* and to implement preferential conditions for access to agricultural and agrarian policies for rural women.

In creating the Committee, it was taken into consideration the fact that public policies historically have been insufficient and have not led to strategies to stimulate the inclusion of women, indigenous people and blacks. It was also taken into consideration the need to formulate a strategy to strengthen democracy and encourage the presence and participation of rural women, indigenous people and *quilombolas*.

In 2004, the Brazilian Government, through the Ministry for Agrarian Development, formulated a public policy named Technical Assistance and Rural Extension (ATER), implemented through a program and the formulation and implementation of preferential conditions to facilitate the access of rural workingwomen to agricultural policies.

This new ATER policy recognizes women as social subjects who play a key role in the family agriculture development. Their contribution is made through the way in which they handle farming and non-farming activities, in their contribution to preserve the biodiversity, in their activities of management and handling of small animals, and in their specific contribution to income generation and added value in the family unit. The importance the Federal Government gives to this program is manifested in the goal assumed under the PNPM (p.44) to attend, between 2004 and 2007, 350,000 women in the Technical Assistance and Rural Extension Project and the Technical and Sustainable Assistance Project.

The Special Secretariat for Aquaculture and Fishing of the Presidency of the Republic (SEA/PR), has also undertaken actions to ensure better standard of living for women who make a living out of aquaculture and fishing.

The First National Conference on Aquaculture and Fishing was held in November 2003. Results of this Conference showed that although the two activities together are responsible for 934,000 direct and 2.5 million indirect jobs, and generate annual household income of R\$ 4 billion, a large part of the labor force (mostly females) involved in these activities find themselves excluded from the State social protection.

These workers are mostly illiterate and do not enjoy either a formal working ties with the boat owners nor any formal training. This situation becomes even more acute regarding small-scale fishing, where the work relationship is even more informal. The insufficient attention given to women and small-scale fishers by the employment legislation for the fishing sector reinforces the informal working relationship between the fisher and the boat owner, and further aggravates the problems arising from the lack of assistance to this group.

President Luiz Inácio Lula da Silva's government, through the SEA/PR, has formulated policies to promote the social inclusion of fishing and aquaculture communities, above all for the women of those communities, dedicating particular attention to small-scale family fishing and the establishment

of sustainable micro and small-scale aquaculture enterprises. The government has also sought to develop alternative economic activities for the people engaged in fishing and aquaculture. These activities involve the exploitation of aquatic resources in a manner that, by relying on a labor force that is sustainably employed, reduces problems linked to hunger, illiteracy and the distribution and marketing of the fish.

The National Policy on Aquaculture and Fishing, currently being elaborated by SEA/PR aims at social inclusion, creating jobs, generating and equitably distributing wealth, professional training, and integrating this group into the social welfare and employment programs, particularly women workers. The Policy will also stimulate the collaboration, the cooperativism and the implementation of a policy to provide insurance in the case of a break in production.

It should also be stressed the First National Meeting of Fishing and Aquaculture Workers, organized by the SEA/PR, in the Municipality of Luziânia, in the State of Goiás, from December 7 to 9, 2004. The Meeting brought together around 400 workers from the fishing, aquaculture and similar industries. During three days, women workers from fishing communities and aquaculture projects located in various Brazilian States discussed the issue of the female professional in the world of fishing and proposed models for solutions, democratically adopted or refused in assembly. Their demands covered areas such as the fight against domestic violence (inflicted by fathers and husbands); medical insurance and social security; education and professional training for themselves and their children; and governmental action to establish basic services and sanitation in residential areas. Other demands related to the need for environmental control in the fishing areas; creation of a commercialization network directly linked to the market, thereby eliminating the need for an intermediate party; and, given the degree of economic exclusion of the majority of those present at the Meeting, a request for fishing “kits” that included sun block, rubber gloves and straw hats.

During the last two years, the government has undertaken various actions devoted to the former quilombo communities. The objective of the Brasil *Quilombo* Program, developed under the responsibility of the Special Secretariat on Policies for the Promotion of Racial Equality (SEPPIR), is to support the former *quilombo* communities, formed by blacks that fled captivity during the period of slavery. Many of the actions described below are not specifically directed at *quilombo* women, but they are of a structural nature and directed to one of the most excluded groups in the Brazilian population, therefore indirectly also affect women.

Decree No. 4.887, published in November 20, 2003, sets out the procedure to identify, recognize, delimit, demarcate and to grant title for lands occupied by quilombo communities. An Administrative Committee was established after the Decree was published, under the coordination of SEPPIR, in order to establish the Brazil Quilombo Program, and to develop and monitor actions, based on the specificity of each one of the quilombo communities in the country.

Various ministries and other public and private institutions (national, state and municipal) jointly undertook a range of actions, such as those below:

1. Kalunga Action– The Kalunga action was initiated on March 12, 2004 and focused at the Municipalities of Teresina de Goiás, Cavalcante and Monte Alegre, in the State of Goiás. The action was adopted under the “Agreement for Technical Cooperation” between the Federation and State of

Goiás governments, for joint action in the community; the regularization of land tenure and infrastructure in the region, and the social, economic, political and cultural integration of Afro-descendants.

2. Food Security – This program involves capacity building for ethno development agents and implementation of actions directed to the development of productive infrastructure (flour mills, agricultural tools, fishing materials, artisan work, irrigation or technical assistance for agriculture). In all, 150 communities are involved, with approximately 14,000 families distributed over 21 Units of the Federation. Five regional workshops were held for the definition of the activities that would be undertaken in each community.

3. Rural Electrification – This action covers 29 former *quilombo* communities and forms part of the “Light for Everyone” Program of the Ministry of Mines and Energy (MME).

4. National Subsidy Program for Housing of Social Interest under the National Housing Plan - The Ministry of Cities will build or repair 2000 homes, including 400 new buildings and 800 repairs in the Kalunga Community. The other 800 homes will be built for the community of Rio das Rãs and the communities of the Municipality of Alcântara.

5. Water Supply and Basic Household Sanitation – The National Health Foundation will serve 13 communities (or groups of communities). This action will benefit 4,027 residences.

6. Family Health Program – Municipalities that include quilombo communities receive an additional amount under the transfer of resources from the Basic Care. There is also monitoring to guarantee that the Community Health Agent, Oral Health, Humanization of Childbirth, Popular Pharmacy, and Women’s Pharmacy programs are directed to the municipalities that include quilombo communities.

7. Technical Assistance Program and National Program for Family Agriculture (PRONAF) – Technical assistance will be guaranteed to the quilombo associations and the organizations that operate within the communities and that respond to the MDA solicitation. PRONAF resources were directed to 10 communities in 2004.

8. Education – Actions are being taken in partnership with the Ministry of Education to guarantee the continued training of teachers, production of didactic material, and the construction and provision of equipment for schools situated in the areas of the communities.

9. ZANAUANDÊ Project – This Project will support national meetings of youth, a national meeting for quilombo women, and a sample survey of the situation of youth in *quilombo* communities.

One of the lines of action under the Program for Gender Equality in Work Relations, under the responsibility of the Special Secretariat on Policies for Women, is “capacity building for women in the rural and urban productive sectors”. The objective is to promote and/or support capacity-building programs to provide women workers with better work conditions, quality of life and enhance civil participation; as well as to promote and/or support capacity-training courses for rural workingwomen

to guarantee access to credit. The resources applied in this action in 2004 were of R\$ 1.2 million. Approximately 3,500 women were trained through 15 agreements between public and private entities.

Among the various actions that have been undertaken in the area of health for rural women, it is worth mentioning the participation of the Bipartite Administrative Group and funding for the Capacity-Building Project for Trainers in Gender, Health, and Sexual and Reproductive Rights, developed by the Secretariat for Work Management and Education in Health, of the Ministry of Health and CONTAG.

The introduction of care for rural women in small hospitals, and capacity-building for 85 professional health trainers to function as instructors, and 157 traditional midwives in the States of Acre, Amazonas, Amapá, Pará, Maranhão, Alagoas, Paraíba, Goiás, Minas Gerais and Paraíba, are other actions worthy of note.

#### CEDAW - Article 15

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1. States Parties shall accord to women equality with men before the law.
  2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
  3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect, which is directed at restricting the legal capacity of women, shall be deemed null and void.
  4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.
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#### CEDAW - Article 16

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1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - a) The same right to enter into marriage;
  - b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - c) The same rights and responsibilities during marriage and at its dissolution;
  - d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

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The Brazilian Government has adopted various measures in compliance with Articles 15 and 16 of the Convention.

The new Brazilian Civil Code entered into force in January 2003. It revoked most of the existing discriminatory provisions concerning the equality between women and men. Yet, remains of discriminatory practices can still be found in a few articles, including one that deals with the legal age for marriage, that establishes different ages for men and women; one that allows only married women the possibility of refusing protection; and one that places restrictions on marriage for women.

The Brazilian Government is aware of the fact that these discriminatory provisions continue to exist in the new Civil Code, and is articulating with the Legislative Power, particularly the Women's Caucus of the National Congress and the women's movement, for approval of new proposals that revoke these provisions.

Mention should also be made of the recent approval, by the Plenary of the Chamber of Deputies, of changes to the Penal Code. The new text excludes several discriminatory articles and sections. In addition to the changes already described in the answer referring to Article 3 of the Convention, other changes introduced in the Criminal Code merit highlighting, as they contribute to true equality of rights between men and women. These changes include:

1. Sections VII and VIII, of Article 107, which dealt with automatic impunity for the perpetrator of a crime when the victim marries the perpetrator or a third party, was excluded. These archaic sections corresponded to behavior originating in the colonial period, when virginity and the payment of dowries were valued as currency.

2. In article 148, which deals with the crimes of kidnapping and false imprisonment, section I, was changed to include the companion in the list of possible victims of these crimes. This change ensures that the article complies with the provisions in the Federal Constitution that treat the spouse and the companion in an equal footing. In the same Article, sections IV and V were added to include, among the aggravating circumstances for the crime of kidnapping, the intention of the perpetrator to practice sexual acts with the victim and the circumstances in which the victim of the crime was less than 18 years old.



3. Article 217, which addressed the crime of seduction, was excluded. Pursuant to this article, women and men were treated differently, since only women could be victims of seduction. It also evoked the discriminatory concept of the virgin woman. Also excluded were Articles 219 and 222, which dealt with the abduction of a woman, consensual or through fraud, alluding to the crime of kidnapping and false imprisonment.

4. Article 226, which stipulates an increase in the sentence for crimes of sexual violence, was altered to include “companions” as possible victims. This change ensures that the Article complies with the provisions in the Federal Constitution that recognize a stable union between a man and a woman. The modification also provides for an increase by half of the sentence if persons that have a close relationship with the victim, or live or have lived with the victim practiced the crime.

5. The title of Chapter V, which deals with the crime of pimping and trafficking in women, was changed to “pimping and trafficking in persons”.

6. The first paragraph of Article 227, which deals with the role of intermediary in inducing someone to perform an indecent act on another, was changed. The term “husband” was excluded and substituted by the expressions “spouse” or “companion”, in order to ensure compliance with the Federal Constitution.

Still with respect to legislative reforms, the Federal Executive presented a proposal for a draft bill that deals with domestic and family violence against women, described in the considerations of Article 6 of the Convention.

CEDAW Committee Recommendation No. 1 exhorts State Parties to strive for the full application of the Convention and constitutional guarantees through broad legislative reform to provide for equality of rights. Recommendation No. 2 suggests that activities be undertaken to sensitize professionals in the legal community to the status of international treaties in the hierarchy of Brazilian laws. To address these Recommendations, last May (2005), the SPM initiated capacity-building activities for Public Defenders in the State of Minas Gerais. In 2003 and 2004, with the support of the SPM, 100% of the public defenders and staff in the State of Paraíba Public Defender’s Office were trained in this area.

Also important is the increase in the number of public defender’s offices or centers for public defense in different states of Brazil. At the beginning of the present federal administration, only three public defender’s offices existed in the whole country: two in the State of Mato Grosso do Sul and one in the State of Rio de Janeiro. Currently, public defender’s offices are operative in the following States: one in Bahia, two in Paraíba, one in Ceará, one in Amapá, one in Tocantins and one in Minas Gerais. In all, there are 10 public defender’s offices or centers for public defense devoted to assist women.

The public hearings and the workshop “Encounter of Perspectives”, held with legal professionals (described under Article 6) during the process for discussion of the Bill on domestic violence, are also relevant to Recommendations Nos. 1 and 2. Equally pertinent are the Campaign to Combat Trafficking in Human Beings, the establishment of offices in the cities of São Paulo and Goiânia to assist victims of trafficking, and capacity building for legal professionals with respect to the issue. With Constitutional Amendment No. 45, which addresses Judicial Reform, the State Public

Defender's Offices became functionally and administratively autonomous, no longer dependent on the States.

With respect to the defense of civil rights and the combat against all forms of discrimination, the Program to Combat Violence and Discrimination against Gays, Lesbians, Transsexuals and Bisexuals – Brazil without Homophobia, was organized through a partnership between the SPM and Special Secretariat on Human Rights, and the Ministries of Education, Health, Justice, and Labor and Employment.

Bill No. 1.151 addresses civil unions between persons of the same sex and is under the National Congress exam since 1995. This Bill is also relevant to the area of civil rights. Resistance to its approval is strong, but the Brazilian justice system is moving ahead and has already recognized the union between persons of the same sex in various sentences that guarantee homosexual couples rights. In 2003, the Public Prosecution entered with a Public Civil Action to force all Brazilian states and the Federal District to allow the celebration of marriages between homosexuals. The Judicial Power could not remain indifferent to the changes and felt pressured to give them legal expression.

The lawsuit was presented in the interior of São Paulo state, by an Attorney General who also petitioned the judge to determine that the Federal Government, the States and the Federal District should abstain to apply any administrative act punishing or retaliating civil servants in consequence of their sexual orientation. The Attorney General argued that “state prohibition against marriage between homosexual couples is only of interest to the people who cannot stand to see other people's happiness”, emphasizing that article 1,521 of the Civil Code lists cases in which marriage is forbidden (e.g., “ascendants with descendents, whether related by blood or in laws”). According to his interpretation, there is actually no express prohibition of marriage between homosexuals by the law.

Even though the 1988 Brazilian Constitution recognizes equality between women and men, this principle is still far from being a true part of the daily life of significant portions of the population. In recognition of the existing inequalities, the Brazilian Government has sought to formulate policies that have a positive impact on the life of populations who are often invisible, such as incarcerated women, or companions and daughters of people in conflict with the law.

For this purpose, and for the first time in history, the Brazilian Government placed the theme of gender, in social reintegration, as one of the criteria for the discussion of projects supported by resources from the National Penitentiary Fund (FUNPEN).

The main objective is to create an effective methodology for projects that benefit women prisoners and also companions and daughters of men in conflict with the law. The approach would also embrace prisoners serving alternative sentences and those who are leaving the penitentiary system. As a result, job-training programs that take into consideration the specifics of female labor could be supported, while always taking into account the job market.

A significant restructuring of the Penitentiary Department also occurred in terms of data. In the next few months, Brazil will have, for the first time, statistics on gender, ethnicity and people with special needs. The intention is to gain a better understanding of the socio-economic profile of male and female prisoners in order to improve the job-training projects and education for this population.

Regional seminars will be organized, with thematic discussions on “Women and Prisons”, through partnerships with universities and state departments of justice and citizenship, in addition to the departments for penitentiary administration.

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