

CIVIL SOCIETY CONTRIBUTIONS TO THE HUMAN RIGHTS COMMITTEE'S REVIEW OF BRAZIL.

Sending entities: *The Ecumenical Forum ACT Brazil (FE ACT Brasil) and National Council of Christian Churches of Brazil (CONIC).*

Introduction

In Brazil, Decree 119-A of January 7, 1890, established the separation between the newly created Republican State and the Roman Catholic Church, which had been the official religion since colonial times. Protestant religions arrived in Brazil beginning in 1860 with the flow of immigrants from Europe, encouraged by the migration policies of the Brazilian state, which was interested in incorporating non-enslaved labour into its production systems. These faiths were allowed only domestic worship, while Roman Catholicism continued to enjoy political and economic privileges in the State and a strong influence in society.

Brazilian society is strongly influenced by the relations between religions and their values. These values, together with the political strength of Christianity, the hegemonic religion in Brazil, have influenced the formulation of the modern state and its fundamental principles. The Federal Constitution, adopted in 1988, does not explicitly state that the Federative Republic of Brazil is a secular state. However, there is a general guideline on the relationship between democracy, freedom, and equality as elements that make up the principle of secularity. The 1988 Constitution also establishes that religions can operate in the State, through the regulation of "separation with cooperation", while respecting the other constitutional principles such as freedom of religion and secularism.

Since the late 1980s, individuals associated with the Protestant and Catholic churches have participated in institutional politics through their own candidacies. These representations to the legislature, the executive and the judiciary have been primarily concerned with the 'pro-life and pro-family' agenda. It is important to note that religious leaders who occupy political-institutional positions are for the most part historically identified with conservatism in matters of morality and economic liberalism (CARRANZA;VITAL, 2018)

According to 2010 census data, there is a majority in the country¹, that identifies itself as Christian, and since the last decade, we have witnessed the advance of parties, movements and non-governmental organisations of a religious nature that articulate and

¹According to data from the last census in 2010, 34% of the population declared themselves Roman Catholic, 22% Protestant and 8% non-denominational. The Assemblies of God and Baptist churches are the most prevalent, with over 12 million believers. Available at <<https://www.ibge.gov.br/estatisticas/sociais/populacao/9662-censo-demografico-2010.html?edicao=9749&t=resultados>> Accessed on 25 August 2021 However, some analyses point to the loss of Catholic hegemony in Brazil and a trend towards the growth of evangelicals, which could reach an evangelical majority of the Brazilian population in the next decades (2040). Available at <<http://www.ihu.unisinos.br/78-noticias/585245-transicao-religiosa-catolicos-abaixo-de-50-ate-2022-e-abaixo-do-percentual-de-evangelicos-ate-2032>> Accessed on 25 August 2021.

disseminate the far-right political agenda throughout Latin America (CORRÊA; KALIL, 2020). As social minorities gained prominence and rights in the public debate, conservative Christian groups and sectors began to more explicitly reflect a political grammar based on fighting the rights of minority groups (feminist movement, LGBTQIA+ people). These groups are seen as a threat to the traditional family and must therefore be fought.

In this scenario, a new right-wing alliance in Brazil, joined by parts of Christianity, is beginning to act in a very articulate way through social networks, television channels, radios and newspapers, spreading content aimed at promoting a "culture war" aimed at erasing emancipatory values, social plurality, gender diversity, debates on structural racism, women's rights, etc. from public debate, school curricula and universities. The "culture war" promoted by these groups spreads and articulates the anti-pluralist agenda so that only one religious truth, one family model, one idea of citizenship and one particular group of people are protected by the State (BIROLI, 2020; LACERDA, 2019).

Immediately after her appointment as Minister of Women, Family and Human Rights, Damares Alves, an evangelical pastor, declared that this moment would herald "a new era in Brazil". This new era, in the minister's understanding, meant that boys would be boys and girls would be girls, relying on the rhetoric of a rigid sexual binarism that rejects sexual and gender identities and sexual orientations. From this point of view, the ministry has worked to erase the concept of gender from its policies and official discourse, promoting an ideological crusade against gender that has reinforced the fears, insecurities and conservatism of the Christian bases in relation to the change in social values that results from the expansion of plural voices in a democratic society.

Minister Damares Alves has participated in international forums that position Brazil as a protagonist in a global alliance against abortion. She has pledged to play a national role in implementing a family policy that strengthens local traditions and contrasts with the UN's agenda, which she and far-right groups see as representative of the globalist ideology that supports gender politics. This international conservative environment operates legitimately in Brazil. The presence and political strength of the Brazilian Christian extreme right have meant that international agreements signed by Brazil are increasingly ignored on the grounds that they would violate the rights of the Christian majority and the traditional family. Public policy has been guided by the criteria appropriate for a nation with a Christian majority. This ignored the fact that this "Christian country" is at the same time very violent towards women and other social minorities (DUARTE, 2020).

This situation has intensified actions based on religious fundamentalism, characterised by extreme misogyny and aversion to sexual and gender diversity. The most conservative groups lobby members of parliament and other political authorities to prevent any prospect of dialogue and implementation of new rights for women, girls, LGBTQIA+ people, traditional peoples and communities. One of the main concerns of these groups is to deny girls and young women who have suffered rape access to the right to legal and safe abortion (a right guaranteed in the country since 1940). The horizon of these groups is the complete prohibition of access to legal abortion. To this end, they have lobbied hard to criminalise women who access the currently legal forms of abortion, as well as health professionals working in public hospitals licenced to perform abortions, as provided for by law.

During Bolsonaro's government, numerous cases of gender-based violence have also become increasingly truculent and cruel, especially via social networks and the internet. This violence is directed against women, LGBTTTQIA+ people and religious minority groups. In this report, we highlight the cases suffered by religious women, Christians and feminist activists. It is pointed out that not only these cases, but also carried out by religious groups or people are supported by the principle of religious freedom, promoted and endorsed by the current Brazilian government as an absolute right, disregarding the principles of interdependence and intersectionality of fundamental human rights, which are addressed to all people as equal citizens of the same nation.

Themes underlying the Report

Against this transnational political background, we understand that the cases explained in this report show that the following articles submitted to the UN Human Rights Committee are not respected by the Brazilian state.

In Article 6, which deals with the right to life (p. 18), under the item "Protection of human rights defenders" (paragraphs 84 and 85), the country states that

84. Recognising the importance of the work of human rights defenders in the fight against impunity and the vulnerability they face, the government established the PPDDH in 2004 and laid the foundation for the National Policy for the Protection of Human Rights Defenders in 2007. It is important to highlight that since the implementation of the programme, no deaths related to human rights defenders included in the programme have been recorded.

85 The programme is available to all human rights defenders across the country who need it. The programme is implemented in six states. In the states where it has not yet been implemented, human rights defenders at risk can contact the technical team of the federal programme, which operates in the other federal entities. Currently, 342 human rights defenders across Brazil have been included in the PPDDH (Table 28). Among the areas of most frequent conflict are indigenous concerns and those related to land rights. In terms of funding allocated to the programme, although the budget was reduced between 2013 and 2016, it was increased in 2017 and an increase in the budget has been requested for 2018 (Table 29).

Although the Brazilian government presents data on HRDs included in the federal programme, it must be noted that the programme is weak and does not reach all human rights defenders at risk. Concrete examples are the human rights defenders who had to ask for political exile because they did not feel safe in Brazil. Some of these people are scientists, another group threatened in the current Brazilian context, which is also characterised by the alignment of conservative sectors with an anti-science ideology. The threats against human rights defenders in different regions of the country are reported to the police authorities and even investigated on the basis of Article 147 of the Brazilian Penal Code, which classifies as a crime punishable by imprisonment the threatening of a person by words, gestures or other means with the aim of inflicting unjustified and serious harm.

However, the vast majority of threats against HRDs occur over the internet, and rarely are those responsible for these crimes charged, taken to court and held accountable. Recently, cybercrimes have been understood as offences to be typified by the Penal Code, and there are projects to monitor websites that distribute criminal content².

² The SaferNet site collects reports of cybercrime committed by websites and pages. In 2020, the reporting centre received 111,852 anonymous reports of apology and incitement to life crimes involving

However, crimes against honour (threats and defamation as well as insults and discrimination) in personal and other people's posts are increasingly common on social networks, especially when it comes to political, ideological and religious issues. Such offences are prosecuted by the police, but there is a lack of policy to protect the plurality of ideas, beliefs and thoughts, and to protect human rights defenders and opponents of the government.

This is the case of **Camila Mantovani**, evangelical feminist activist, one of the founders of the Evangelical Front for the Legalisation of Abortion, which organises agendas and strategies for sexual and reproductive rights and gender equality. According to the complainant, the threats began when she attended the public hearing before the Supreme Court in August 2018, which focused on the criminalisation of abortion. Several religious institutions and churches had been advocating for the decriminalisation of abortion as *amicus curiae*, including the Evangelical Front for the Legalisation of Abortion.

On 29 April 2019, Camila left the country after months of threats. First, it was hate messages on social media. Later, she was followed in the streets and her house was watched by anti-abortion activists and groups. Some of Camila's relatives were also threatened. The Human Rights Commission of the Legislative Assembly of Rio de Janeiro (Alerj) referred the case to the Ministry of State and the Racial Discrimination and Intolerance Crimes Police for investigation. However, the young woman had to leave her parental home and had no permanent residence. Her daily routine was changed so much that the solution was to go into exile to protect her physical integrity and that of her family.

In Article 18, which deals with freedom of thought, conscience and religion (p. 35), the government states that

216. Freedom of thought and conscience is enshrined in Articles 5, IV, VI and VIII of the Federal Constitution, Law No. 4898/1965, Law No. 9458/1997 and Article 140 of the Penal Code, as described in the second report.

Camila's case is not the only one, but it exemplifies how the right to freedom of religious expression has not been guaranteed to all people, including religious women who are also feminist activists. As well as women from other social fields who publicly defend the decriminalization of abortion. And, because of this, they were threatened by conservative religious groups and even went into exile, as was the case of anthropologist Débora Diniz, a professor at the University of Brasilia.

At this point, we would like to highlight the case of another religious woman, Lutheran pastor **Lusmarina Garcia**, who also suffered numerous attacks, mainly on social media, with hateful content and even death threats, after she participated in the public hearing before the Supreme Court in August 2018, where the Argument of Non-compliance with Fundamental Principles (ADPF, acronym in Portuguese) was discussed, which supported the proposal to decriminalise the voluntary interruption of pregnancy until the 12th week. The case was widely publicised in the national media through the advocacy speech of Pastor Lusmarina Garcia, who at the time represented

6,145 websites. It received 1,321 anonymous reports of religious intolerance involving 814 sites, 12,698 anonymous reports of violence or discrimination against women involving 6,057 websites, 5,296 anonymous reports of LGBTphobia involving 2,886 sites. Available at <https://indicadores.safernet.org.br/> on 23 December 2021.

not her church but the Institute for Religious Studies (ISER, acronym in Portuguese). After receiving several threats on her personal social networks, feminist organisations, secular and religious women's movements, civil society organisations and religious institutions spoke out in her favour. The most specific threats against her bodily integrity were reported by Pastor Lusmarina to the police and are still under investigation.

It is noteworthy that while social networks allow for greater dissemination of knowledge and sharing of information in this day and age, they also serve as a platform for the dissemination of reactionary speech that is even punishable by law. And in the Brazilian case, even though the cases reported here are about Christian women, the majority religion in the country, it is important to emphasise that women from other religious traditions suffer the same kind of persecution and hate attacks on social networks.

In general, the current government has been lax in guaranteeing the rights of religious minorities, citing the principle of religious freedom. According to the current government's understanding, religious freedom applies to the hegemonic religion, and this is evident when representatives of the state persecute minority cultures and religions. The spaces for representing society, for compiling data on violations of the right to religious freedom and for analytical reports have been emptied. The current data comes from research conducted by NGOs and universities. However, despite the reality and the data collected, the Brazilian state reports that

218. At the institutional level, the Consultative Office for a Religious Diversity Policy was established in 2011 within the then Secretariat for Human Rights. In 2013, the participatory National Committee on Religious Diversity was created. Both institutions are responsible for planning and coordinating measures to protect and promote religious freedom, combat religious intolerance and promote secularism in the state. Attempts were also made to establish state and municipal religious diversity committees. In the same year, a special form for receiving complaints about religious diversity was established on the Disque 100 line.

The current government refers to policies dating back ten years. The aforementioned National Committee for Religious Diversity was abolished in 2017. Since the year 2018 the proper monitoring of public policies is non-existent, thus there is a complete blackout and transparency of data and resources applied to welcome complaints of religious intolerance. There is lack of continuity in the production of data on religious persecution. Such practices are concomitant to the dismantling of the national human rights policy. It is noteworthy that several civil participation committees were extinct. Those that were not extinct are regulated by government agents, deepening the dismantling of public policies and impeding the participation of civil society in state collegiate bodies in a free and democratic way.

The aforementioned National Religious Diversity Committee was created in 2014, result of the National Human Rights Plan/PNDH-3, which in the year 2021 underwent revision without the participation of civil society. In November 2021, the Ministry of Women, Family and Human Rights centralized the action of the human rights performance policy only through Disque 100 (Dial 100). It also created a manual of taxonomy that removed all possibilities of denunciations of violations to specific groups placing them in the generic category "violation of human rights

In article 19 "Freedom of opinion, expression and information" (p. 35), in items 221, the country presents that

221. The right to freedom of opinion, expression and information is enshrined in Articles 5, paragraph IV, 37, 200 and 220 of the Federal Constitution and Law No. 8078/1990, as described in the second report.

However, there have been numerous cases of women activists, including those of Christian faith, being persecuted, their biographies tainted and their lives threatened. These facts contradict what the country has reported to the international community.

The third case we report is the insults, threats, appropriation of image and defamation against Lutheran Pastor Romi Márcia Bencke, General Secretary of the National Council of Christian Churches / CONIC, who coordinated the preparation and implementation of the Ecumenical Fraternity Campaign in 2021, whose theme was "Fraternity and Dialogue: Commitment of Love". The threats began with ultra-conservative Catholic groups laying down their lives in online broadcasts. These groups criticised the fact that the campaign's foundational text included data about the violence faced by women, LGBTQIA+ people, indigenous peoples, quilombolas and followers of religions of African origin in Brazil. They criticised the fact that the text uses the term "femicide" (criminally typified) and claimed that the term is ideological, as most of the deaths in Brazil are men. They deny the fact that women are murdered because they are women. They also attacked the fact that the text mentions the persecution of human rights defenders, citing the cases of Sister Dorothy Stange and Marielle Franco as emblematic.

As a strategy, the Dom Bosco Centre for Faith and Culture, the promoter of livestreams, personalised the campaign with the figure of the pastor Romi Márcia Bencke. It is noteworthy that the commission consisted of seven people, all men, with Pastor Romi being the only woman. The Dom Bosco Centre began to call "true Catholic Christians" to a Holy War, with the aim of eliminating the evil contained in actions such as the Ecumenical Fraternity Campaign. Romi became the face of this evil. Her speeches in other places were distorted to identify her as an anti-abortionist. Once the hate campaign was structured, they began boycotting the campaign's collections to support organisations and movements, religious or not, that develop conflict mediation and solidarity projects for people affected by the pandemic COVID -19 and the economic crisis.

However, the threats were not limited to the virtual environment. On 8 February 2021, strangers sought her out at the CONIC's office and did not identify themselves. Pastor Romi was working remotely that day. On 11 February 2021, strangers again searched for her in the office. The janitors of the building reported this to the secretary of CONIC because they found that to be strange. On 19 February 2021, the secretary was in the office and a person kept calling insistently saying "that I should leave the Roman Catholic Church alone" (transcript of the police report). The case was reported in local and national newspapers and Pastor Romi received strong support from faith-based organisations, religious institutions of different nuances, civil society organisations and people of different religions. But no formal support from the Brazilian state.

Pastor Romi even sought lawyers to file a lawsuit against the Dom Bosco Centre for Faith and Culture, but she had to bear the costs of the lawsuit, which are expensive,

herself. Moreover, according to the lawyers, depending on the judge who would judge the case, there was a risk that he would conclude that it was not a case of hate attacks but only a divergence in religious understanding, showing the fine line between exercising religious freedom and promoting hatred. The registered police report shows that Romi had no return on the matter until January 2022.

In Article 23 "Right to family life" (p. 38), in items 245, Brazil states that:

245. Article 226 of the Brazilian Federal Constitution states that "for the purposes of state protection, the permanent union between a man and a woman is recognised as a family unit, and the law facilitates the transformation of such a unit into a marriage". Based on this understanding, in May 2011, following the judgement on ADI(Direct Action of Unconstitutionality) No. 4.277 and the complaint on violation of fundamental principle No. 132, the obligation to recognise the permanent union between persons of the same sex as a family unit was unanimously established. Similarly, in 2013, the CNJ passed Resolution No. 175, which prohibits civil registry offices and other similar authorities from refusing to perform civil marriages of same-sex couples. According to the CNJ, 19,500 same-sex marriages have been performed since this resolution was passed.

In Article 26 "Equality before the law and non-discrimination" (p. 40) in items 257 and 258, the country states that:

257. Equality before the law and non-discrimination are enshrined in Articles 3, 4, 5 and 7 of the Federal Constitution, Article 140 of the Criminal Code, Law No. 7716/1989, Law No. 8081/1990, Law No. 8842/1994, Law No. 9459/1997, Law No. 10741/2003 and Law No. 10639/2003, as described in the second report. In recent years, great strides have been made in expanding this legal framework to ensure equal enjoyment of rights.

258. Issues related to discrimination and racial equality, as well as the rights of LGBT persons, are addressed in detail in the third report on the Covenant on Economic, Social and Cultural Rights. The rights of persons with disabilities were addressed in detail in Brazil's first report on the UN Convention on the Rights of Persons with Disabilities.

The last reported case is the most recent of the attacks on both freedom of faith and the rights of LGBTTQIA+ people in religious settings and was against the pastor of the Alliance of Baptists of Brazil, Odja Barros. In December 2021, Pastor Odja filed a complaint with the Civil Police in Maceió/Alagoas (Northeast of the country) and the Secretary of State for Women and Human Rights against a profile that had sent her an audio file and photos explicitly threatening the lives of the pastor and her family members, as well as people who participate in the religious community. The argument was that she had abused the Bible and her ministry by performing a marriage blessing between two women in her church. This was widely reported in the local and national media. The Alagoas State Ministry asked the police to ensure the personal safety of the pastor.

This was the most direct threat, but there were several other threats in Odja Barro's personal profile and her church, all with the content of deep biblical fundamentalism justifying acts of misogyny and LGBBTQIA+ phobia. The threats were also widely publicised in the local and national media and Pastor Odja was supported by a wide network of human rights activists and defenders, religious institutions and churches, people of different religious persuasions, political parties and leaders in various notes of repudiation and solidarity. The attacker was identified and the charge was accepted by the police as a crime of religious intolerance, threat and homophobia. The Brazilian state has once again remained silent.

The reported cases point to a facet of religious fundamentalism that cannot be ignored: the misogyny that structures fundamentalism, as well as various dogmas and religious doctrines. Christian denominations were founded in different historical spaces and times on patriarchal cultural foundations that fixed the biological differences between the sexes and established natural gender roles and asymmetrical social positions for men and women in society. Many churches do not even accept women as pastors and in leadership positions.

Thus, gender repertoires and stereotypes as a biological and one-dimensional understanding are still passed on in a monolithic way in the socialisation of religious individuals today. Therefore, in these more conservative groups, any meaning that is not based on a religious truth expressed through a decontextualised and fundamentalist reading of the Bible and the correct application of the doctrine is seen as sinful and must be vehemently refuted as such. The refutation is also directed against the leaders of the religious community who seek a dialogue between religious values, human rights, democracy and diversity so that outdated religious teachings can be revised and updated. The alliance between political parties with a conservative base and fundamentalist religious groups has allowed religious doctrines to serve as criteria and arguments for approving or rejecting public policies, especially in the areas of education and health.

Final remarks

It is worth considering that in this scenario of strengthening fundamentalist ideas, some evangelical and Catholic religious leaders and institutions have used the principle of religious freedom enshrined in the Brazilian Constitution to legitimise attacks on other religions and religious leaders who advocate for human rights, especially women. However, when the same religious leaders and institutions that carry out persecutions are sanctioned in any way, they claim that Christophobia is in vogue in Brazil. At the same time, they demand that the state affirm the Christian religious majority and deny ethnic, racial and social plurality. In doing so, they ignore that there is not only one expression of the Judeo-Christian tradition and that even this is plural, but that state policy must be guided by the Judeo-Christian tradition.

This fundamentalist perspective also deepens conservatism and misogyny in society, as the sectors that propagate fundamentalist campaigns have historically defended religious moral values that are seen as contrary to human rights and secular freedoms. Part of these sectors is represented by the current Brazilian government in important ministries such as Education, Human Rights and the Supreme Federal Court. With the support of evangelical and Catholic groups organised in the legislature, they have progressively justified biblical values as political and changed the constitutive grammars of the state, public authority and consolidated democratic rights.

This conservative articulation has led to the reinforcement of anti-democratic social models that stigmatise feminism as averse to religious beliefs and morals and further reflect society's structural misogyny and consequently gendered violence and inequality (OFFENSIVES..., 2021). In this context, the category of gender as an analytical tool has become something of a dirty word in the social sciences for decades and must therefore be removed from the documents, actions and policies of a

government that claims to be Christian fundamentalist, to defend conservatism and to be "against abortion".

This rhetoric, generated by regimes of dissemination of absolute truths in different social spheres, becomes the protagonist of the pedagogical exercise of moral codes and the affirmation of conservative religious platforms as public problems that reach the social networks through alarmist content disseminated by a network that makes visible political opponents and activists for women's rights, as the cases reported here show.

Against this backdrop, this forecast generally points to the growth of this anti-gender agenda in 2022, when elections will be held in Brazil not only for the presidency but also for positions in the Senate, the Federal Chamber and state assemblies and executives. Specifically, it points 1) to the instrumentalisation of gender issues, sexuality, sexual and reproductive rights and feminist agendas in electoral campaigns, which are being used with great vigour, especially through the spread of fake news that mobilises moral panic and votes from the social conservative base, religious or not (CFEMEA, 2020; 2021); 2) for possible risks to the lives of defenders of these rights and the increase in cases of threats to these issues, especially on social networks, but not only; 3) the increase in serious violations of the human rights of social minorities in the country; and 4) the curtailment of freedom of expression and political and religious opinion.

Factors that contradict what the Brazilian government has reported to the international community and therefore violate the covenants signed by the Brazilian state, including the International Covenant on Civil and Political Rights.

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