



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the seventh periodic report of Brazil at the Committee's fifty-first session, held in February-March 2012. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/BRA/CO/7). You may recall that in the concluding observations, the Committee requested Brazil to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 21 and in paragraph 29 of the concluding observations.

The Committee welcomes the follow-up report received on time in February 2014 (CEDAW/C/BRA/CO/7/Add.1) under the CEDAW follow-up procedure. At its fifty-ninth session, held in October-November 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 21** of the concluding observations that the State party “consider adopting a comprehensive law against trafficking in persons, in line with the Palermo Protocol, in order to fully implement article 6 of the Convention and ensure that perpetrators are prosecuted and punished and victims adequately protected and assisted, as previously recommended by the Committee (CEDAW/C/BRA/CO/6, para. 24)”: The State party indicated that the Federal Senate's Parliamentary Commission of Inquiry on Human Trafficking tabled Bill No. 479/2012, which contains provisions on the prevention and punishment of internal and international trafficking in persons, as well as victim protection measures. The Committee considers that the State party took some steps towards the adoption of a law against trafficking in persons. However, the Committee considers that Bill 479/2012 is not comprehensive enough to confront this problem. The Committee considers that the recommendation **has been partially implemented**.

Her Excellency
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Regarding the recommendation that the State party “take into consideration the results of the Parliamentary Commission of Inquiry to revise and further adopt and implement the second National Plan to Combat Human Trafficking (2nd PNETP) and design and implement within its framework a comprehensive strategy aimed at combating and preventing the exploitation of prostitution and sex tourism in the State party”: The State party mentioned that the work done by the Parliamentary Commissions of Inquiry on human trafficking fostered the adoption, by Ministerial Decree No. 7,901 of 25 February 2013, of the second PNETP. The State party added that it has been monitoring the implementation of the National Plan through the Inter-ministerial Monitoring and Evaluation Group for the 2nd PNETP, which was set up in early 2013. The State party indicated that the Plan also sets goals to prevent and combat violence against women in the context of human trafficking. In addition, the State party mentioned that the Ministry of Tourism developed, in 2013, an “Outreach Manual —A Project to Prevent the Sexual Exploitation of Children and Adolescents in Tourism”, intended for the training of social workers. The Committee welcomes the adoption of the second National Plan to Combat Human Trafficking and the steps taken by the State party to monitor its implementation. However, the Committee considers that the State party failed to design and implement within its framework a comprehensive strategy aimed at combating and preventing the exploitation of prostitution and sex tourism. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “establish a unified national mechanism to coordinate efforts towards preventing and combating internal and international trafficking in persons and protecting victims”: The State party mentioned the establishment, in 2013, of national structures whose mandate is to guide, monitor and coordinate the government’s action to prevent and combat human trafficking, such as the Tripartite Coordination of the National Policy to Combat Human Trafficking, the Inter-ministerial Monitoring and Evaluation Group for the 2nd PNETP, and the National Committee to Combat Trafficking in Persons. The Committee notes that the State party succeeded to establish a unified national mechanism to coordinate efforts towards preventing and combating internal and international trafficking in persons and protecting victims. The Committee considers that the recommendation **has been implemented**.

Regarding the recommendation that the State party “provide information and training on how to identify and deal with victims of trafficking and on anti-trafficking provisions in domestic law to the judiciary, law enforcement officials, border guards and social workers”: The State party indicated that, in late 2013, the General Office on Women’s Health published two educational packages on upgrading the skills of professionals in local anti-trafficking networks. It further mentioned the training given in 2012 and 2013 on the issue of human trafficking to telephone operators on the Dial 100 and Dial 180 hotlines, for human rights and care for trafficked women respectively. The State party also highlighted that three Itineris training sessions were provided, in October 2013, by the National Secretariat of Justice (SNJ) to outreach workers dealing with human trafficking in Brazil within the Network for Centres and Outposts. The Committee considers that the State party took some steps to provide information and training to various stakeholders involved in combating trafficking and assisting victims. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “ensure systematic monitoring and periodic evaluation, including the collection and analysis of data on trafficking and on the exploitation of women in prostitution”: The State party mentioned the release of the Regional Assessment: Trafficking in Women for Sexual Exploitation within MERCOSUR, in 2012, the National Assessment of Trafficking in Persons, its Dynamics and Modalities, in 2013, and the Assessment of Human Trafficking in Border Areas, in 2013. The State party also indicated that an Integrated Methodology for the Gathering and Analysis of Data and Information on Human Trafficking was developed. In addition, the State party stressed that two monitoring reports have been produced to date on progress towards implementation of the 2nd PNETP by the Inter-ministerial Monitoring and Evaluation Group. The Committee considers that the State party took

significant steps to ensure systematic monitoring and periodic evaluation of the 2nd PNETP, including the collection and analysis of data on trafficking and on exploitation of women in prostitution. The Committee considers that the recommendation **has been implemented**.

Regarding the recommendation that the State party “conduct comparative studies on trafficking and prostitution and address the root causes of these, in order to eliminate the risk of girls and women falling victim to sexual exploitation and trafficking”: The Committee considers that the State party failed to provide information on actions taken to conduct comparative studies on trafficking and prostitution and address the root causes of these. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “strengthen its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and the adoption of joint measures with respect to the prosecution and punishment of traffickers”: The State party indicated that its international anti-trafficking activities have greatly expanded in the past few years through various cooperative initiatives taken at bilateral, regional and multilateral levels. The State party mentioned, among others, the signature of agreements with Uruguay, Argentina and Venezuela to set out rules for cross-border cooperation to combat violence against migrant women, trafficking in persons and sexual exploitation; the establishment of a framework for intergovernmental cooperation to address the plight of women affected by trafficking within MERCOSUR; and the participation in the meeting of the Trafficking Working Group, held on 6-8 November 2013 in Vienna as part of the Conference of the Parties to the Palermo Protocol. The Committee considers that the State party took significant steps to strengthen its efforts at international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and the adoption of joint measures with respect to the prosecution and punishment of traffickers. The Committee considers that the recommendation **has been implemented**.

The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Expedite the adoption of a comprehensive law against trafficking in persons, in line with the Palermo Protocol, in order to fully implement article 6 of the Convention and ensure that perpetrators are prosecuted and punished and victims adequately protected and assisted;
- 2) Design and implement within the framework of the second National Plan to Combat Human Trafficking (2nd PNETP) a comprehensive strategy aimed at combating and preventing the exploitation of prostitution and sex tourism in the State party;
- 3) Provide information and training on how to identify and deal with victims of trafficking and on anti-trafficking provisions in domestic law to the judiciary, law enforcement officials, border guards and social workers; and
- 4) Conduct comparative studies on trafficking and prostitution and address the root causes of these, in order to eliminate the risk of girls and women falling victim to sexual exploitation and trafficking.

The Committee also recommends that the State party provide further information on the educational packages published by the General Office on Women’s Health to upgrade the skills of professionals in local anti-trafficking networks, the training given to telephone operators on the Dial 100 and Dial 180 hotlines, as well as the Itineris training sessions provided by the National Secretariat of Justice (SNJ) to outreach workers dealing with human trafficking within the Network for Centres and Outposts.

Regarding the recommendation made in **paragraph 29** of the concluding observations that the State party “continue its efforts aimed at enhancing women’s access to health care and monitor and assess the implementation of the Rede Cegonha programme with a view to effectively reducing the maternal mortality rate”: The State party mentioned the changes brought by the implementation of the Rede Cegonha (RC) programme in the physical structure of obstetric and neonatal care units (facilities and equipment), as well as the advancement provided by extended use of the SISPRENATAL WEB, a software defining a minimum set of procedures for adequate antenatal care. Moreover, the State party presented the results of a RC user satisfaction research conducted from May 2012 to June 2013, which showed the progress made in the humane treatment of women during childbirth and the wide coverage of free pregnancy and obstetric care, as well as the remaining challenges to be met in terms of planning and best practices for delivery and birth. In addition, the State party mentioned further strategic actions to reduce maternal mortality. The Committee considers that the State party took significant steps to enhance women’s access to health care and monitor and assess the implementation of the Rede Cegonha programme with a view to effectively reducing the maternal mortality rate. However, the Committee notes that the State party failed to achieve the annual reduction rate of 16 per cent that is required to meet the MDG of 75 per cent reduction by 2015. The Committee considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party “continue its efforts aimed at enhancing access to health care for disadvantaged groups of women with a view to effectively reducing the maternal mortality rate for these groups”: The Committee considers that the State party failed to indicate whether it took measures to reduce the maternal mortality rate among disadvantaged groups. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation that the State party “expedite the review of legislation criminalizing abortion in order to remove punitive provisions imposed on women, as recommended by the Committee (CEDAW/C/BRA/CO/6, para. 3)”: The Committee did not receive relevant information on the steps taken by the State party to expedite the review of this legislation. Moreover, the Committee is concerned about the nearly 30 bills that are currently threatening women’s rights to terminate pregnancy by proposing deterring mechanisms generally based on heavier punishment. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “collaborate with all relevant actors in order to discuss and analyse the impact of the Statute of the Foetus in further restricting the existing narrow grounds for legal abortion, before it is adopted by the National Congress”: The State party mentioned that favourable opinions were given by two committees of the Chamber of Deputies as regards the Statute of the Foetus in 2010 and 2013. It added that, in order to be approved, the Statute must also pass the stage of the Constitution, Justice and Citizenship Committee, which has been studying it since June 2013, be voted on in the full Chamber, and then sent to the Federal Senate. The State party also indicated that the National Council of Women’s Rights (CNDM) issued a public statement repudiating the Statute of the Foetus on 5 June 2013, addressed to the parliamentary Tax and Finance Committee. The Committee notes the efforts made by the CNDM to lobby the Congress by continuing its information and clarification work in tandem with parliamentarians and society at large. However, the Committee considers that the State party did not provide sufficient information on steps taken to collaborate with all relevant actors in order to discuss and analyse the impact of the Statute of the Foetus in further restricting the existing narrow grounds for legal abortion. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.



The Committee recommends that, in relation to paragraph 29 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Continue its efforts aimed at enhancing women's access to health care with a view to effectively reducing the maternal mortality rate, in particular for disadvantaged groups;
- 2) Expedite the review of legislation criminalizing abortion in order to remove punitive provisions imposed on women; and
- 3) Collaborate with all relevant actors in order to discuss and analyse the impact of the Statute of the Foetus in further restricting the existing narrow grounds for legal abortion, before it is adopted by the National Congress.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Brazil on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Barbara Bailey
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women