

20 September 2016

EQUALITY NOW, THE CYRUS R. VANCE CENTER FOR INTERNATIONAL JUSTICE AND CLADEM BRAZIL



Brazil Submission to the UN Universal Periodic Review

**Twenty-Sixth Session of the UPR Working Group of the Human Rights
Council
31 October – 11 November 2016**

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Introduction and Summary

1. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries.
2. The Vance Center advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession. The Vance Center is a unique collaboration of international lawyers catalyzing public interest innovation. A non-profit program of the New York City Bar Association, we bring together leading law firms and other partners worldwide to pioneer international justice initiatives and provide pro bono legal representation to social justice NGOs.
3. CLADEM Brazil is the Brazilian chapter of the Committee for Latin America and the Caribbean for the Defense of Women's Rights (CLADEM), a regional organization that links people and feminist organizations in Latin America and the Caribbean. From a political and legal approach, CLADEM seeks to contribute to social transformation and the building of democracies, from the perspective of intersectionality, which recognizes the ethnic-racial, sexual and social, cultural diversity as critical to the full exercise and enjoyment of human rights of women.
4. In this submission, Equality Now, the Vance Center (as Counsel to Equality Now), and CLADEM provide information as stipulated in the *Universal Periodic Review: information and guidelines for relevant stakeholders' written submissions*. The submission highlights our concerns about sexual violence in Brazil. We make key recommendations for action by the government of Brazil to better address this area of concern.

Sexual Violence

5. Sexual violence in Brazil and the inadequate response to it are alarming, with assaults most often aimed at the most vulnerable. According to reliable statistics, [51% of reported rapes are reportedly committed against girls up to age 13 and nearly 20% are against adolescent girls aged between 14 – 17.](#)¹
6. It is estimated that only 35 percent of rape cases are reported.² Barriers to reporting are varied but mostly stem from the lack of faith in a justice system that will take claims seriously. This is underscored by a recent report on attitudes towards gender based violence in which 1/3 of the Brazilian population consider the women guilty when raped.³ This misogynist attitude is not limited to men; 30% of the women interviewed agree with this

¹ Forum for Public Security, Report (2015) cited in www.npr.org/sectionsthetwo-way/2016/05/27/479796108/outcry-follows-gang-rape-in-brazil-raising-alarms-about-sexual-violence.

² Ibid.

³ <http://www1.folha.uol.com.br/cotidiano/2016/09/1815301-um-terco-dos-brasileiros-culpa-mulheres-por-estupros-sofridos.shtml>

statement. This was demonstrated this [past spring in the horrible gang rape of “Claudia.”](#) Claudia was drugged and attacked by up to thirty assailants. The perpetrators were so impervious to any repercussions that they posted video of the assault which was shared widely on social media. When Claudia tried to report the crime, law enforcement belittled her claim. To date, only some of the perpetrators have been apprehended and Claudia has had to flee due to violent threats against her and her family. In 2014 there were approximately 48,000 rape victims in Brazil, which means that every 11 minutes a woman is raped in Brazil country.⁴

7. Equality Now’s partners inform us that, like Claudia, Brazilian victims endure multiple interviews by law enforcement that are insensitive at best and, at worst, as in this case, outright hostile.

8. There have been attempts in the Brazilian parliament to eliminate access to any reproductive care for women, even those who have been raped. While women already face severe restrictions in accessing reproductive care, there have been legal exemptions based on rape. As it is, access to legal abortion is not always available for victims of sexual violence.

9. Brazil only has 37 health centers that provide the service for more than 5,000 cities. As these centers are concentrated in the bigger urban areas, thousands of women and girls have no resources at all.

10. We urge the Human Rights Council to encourage the government of Brazil to address sexual violence so that women and girls can enjoy their full human rights.

Recommendations for Action by the Government of Brazil

Addressing sexual violence

Equality Now, the Vance Center (as Counsel) and CLADEM respectfully urge the Human Rights Council to call on the Government of Brazil to address sexual violence in the following ways:

- a) Immediate passage of legislative Bill No. 618/2015 that will increase penalties for gang rape and criminalize the distribution of videotapes or recordings of criminal acts of rape and sexual assault.
- b) Perpetrators must be arrested and charged to the full extent of the law.
- c) Law enforcement must have regular training and employ a victim-sensitive approach in sexual assault cases.
- d) First responders must provide physical forensic examinations of sexual assault victims without undue delay or procedural barriers.

⁴ Forum for Public Security, Report (2015) cited in www.npr.org/sectionsthetwo-way/2016/05/27/479796108/outcry-follows-gang-rape-in-brazil-raising-alarms-about-sexual-violence.

- e) The Government of Brazil must provide psychological assistance and support to the victims. All efforts should be made by prosecutors to count on psychological reports as means of proof of the violence suffered, based on the symptoms presented, and regularly certified by a forensic expert.
- f) There must be an increase in services to assist victims through the criminal justice process, so that they are apprised of all processes and not left to fend for themselves.
- g) The Government must support all institutions and commissions whose mission is to end violence against women, including by appropriate funding and resourcing to achieve these objectives.
- h) Promote educational campaigns and increase public awareness towards a culture of respect of difference, equality of rights for women, taking into account ethnic-racial, sexual, social, cultural differences.
- i) Continuous improvement in the sanctioning of gender biased advertisement campaign, recurring to a poor stereotype of the women and objectification of them.