

**TECHNICAL NOTE No. 14 - DPGU/SGAI DPGU/GTMLR DPGU**

On October 25, 2022.

Subject: SEI 08038.014841/2022-01 - Call by the Office of the United Nations High Commissioner for Human Rights (OHCHR) for contributions to research on discrimination against women and girls for its next report "Human Security of Women and Girls in the Context of Poverty and Inequality"

1. The Women in Attention Working Group ORDER No. 5606365/2022 - DPGU/SGAI DPGU/SAE DPGU presents subsidies to the questionnaire about the situation of girls and women in the context of poverty and inequality. This questionnaire was prepared by the United Nations High Commissioner for Human Rights (OHCHR) and sent to several States so that they can contribute with information on the subject internally. The OHCHR intends to use such collaborations to prepare a thematic report to be presented at the 53rd Meeting of the Human Rights Council of the United Nations.
2. In Brazil, the Brazilian Institute of Geography and Statistics (IBGE) is responsible for conducting a demographic census with a periodicity of 10 years, and this research is the main source of data about the Brazilian population. However, due to the SARS-CoV-2 (COVID-19) pandemic, it was not possible to carry out the census in 2020, so it was extended to 2022 and has not yet been completed. Thus, we rely only on the 2010 census as a database for the questions presented, and other sources have reference to the end.

**IMPORTANT DATA**

**Question 1 - What are the overall poverty levels in your country/region and those specifically of women and girls?**

**Question 2 - What are the levels of economic inequality in your country/region? Could you present disaggregated data on women and girls?**

**Question 3 - In addition, please provide, if available, disaggregated data on the specific conditions of these women in poverty (for example, if they belong to an ethnic or religious minority, are indigenous, migrants, asylum seekers, stateless persons or refugees).**

3. According to the New Poverty Map [1], prepared by Fundação Getúlio Vargas Social (FGV Social), in 2021 the number of people living with a per capita income of up to R\$497.00 (four hundred and ninety-seven reais) reached the mark of 62.9 million Brazilians, equivalent to 29.6% of the population. The study also found that the number of people in a situation of hyposufficiency increased during the COVID-19 pandemic, because in 2019 there were 9.6 million fewer people than in 2021.
4. The "Us and Inequalities" Report [2] prepared by OXFAM in partnership with Datafolha, 69% of people interviewed agree that women earn less than men simply because they are female. The race of the person also directly influences the income perceived by citizens. The same survey found that 59% of people agree that blacks earn less simply because they are black.
5. The study "Human Rights of Women" carried out by the United Nations Team in Brazil, in July 2018, brings as a source Gender Statistics carried out by IBGE with - Social indicators of women in Brazil [3][4], the study's page 6 informs that "gender and race inequalities continue to guide the insertion of women in the world of paid work. In 2016, the participation rate of Brazilian women over 15 years of age was 52.8%, receiving 76.5% of the income of men<sup>8</sup>. The unemployment rate reached 9.4% in 2015, and for women it was 11.6%. Black women constituted the largest portion of the unemployed population and were the most affected by the increase in the unemployment rate. Their income, the lowest for the population groups according to sex and race/color, was restricted to just over 40% of the income of white men<sup>9</sup>. It is also observed the permanence of occupational segmentation by sex, with women allocated mainly in the provision of services, and the discrimination of women in access to leadership positions. Therefore, even the economic growth picture, which reversed from 2014, did not change the structure of the racial and sexual division of labor."

**STRUCTURAL RISKS AND BARRIERS**

**Question 5 - What is the legal and political framework in your country/region to address such risks and prevent human rights violations affecting women and girls in poverty?**

6. The Brazilian State has followed international legal frameworks to prevent and eradicate human rights violations affecting women and girls with regard to the economic and financial situation.
7. The Federal Constitution of 1988 provides as a fundamental objective of the Federative Republic of Brazil the eradication of poverty, marginalization and reduction of social inequalities, promoting the well-being of all without prejudice to origin, race, sex, color, age or any other forms of discrimination (CF/88 art. 3rd items II and III).
8. In view of the international scenario, Brazil enacted the following actions by decree:
  1. DECREE No. 19.841, OF OCTOBER 22, 1945, which promulgates the United Nations Charter, of which is an integral part the annex Statute of the International Court of Justice, signed in San Francisco, on June 26, 1945, on the occasion of the Conference of the International Organization of the United Nations, in its article 1 paragraph 3 provides: 3. To achieve international cooperation to solve international problems of an economic, social, cultural or humanitarian nature, and to promote and stimulate respect for human rights and fundamental freedoms for all, regardless of race, sex, language or religion;
  2. DECREE No. 31.643, OF OCTOBER 23, 1952, which promulgates the International American Convention on the Grant of the Civil Rights of Women, signed in Bogota, on May 2, 1948;
  3. DECREE No. 678, OF NOVEMBER 6, 1992, which promulgates the American Convention on Human Rights (Pact of San José of Costa Rica), of November 22, 1969;
  4. DECREE No. 4.316, OF JULY 30, 2002, which promulgates the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
  5. DECREE No. 4.377, OF SEPTEMBER 13, 2002, It promulgates the Convention on the Elimination of All Forms of Discrimination against Women, 1979, and repeals Decree No. 89.460, of March 20, 1984. (Women's Convention - CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women))
  6. DECREE No. 10.088, OF NOVEMBER 5, 2019, Consolidates normative acts issued by the Federal Executive Branch that provide for the promulgation of conventions and recommendations of the International Labor Organization - ILO ratified by the Federative Republic of Brazil. CONVENTION No. 100 - CONVENTION No. 103 - CONVENTION No. 111 - CONVENTION No. 156 - CONVENTION No. 171 -

9. The Organic Law of Social Assistance [5], according to art. 40-A states that "*The monetary benefits arising from the provisions of arts. 22, 24-C and 25 of this Law will be paid preferably to the woman responsible for the family unit, when applicable.*" The amendment was made by Law 13.014/2014, which establishes the preferential payment to the "woman responsible for the family unit" of benefits provided for in the Organic Law of Social Assistance (Loas) and support programs for small farmers. The new law also establishes the payment to women of the resources of the Environmental Conservation Support Program and the Rural Productive Activities Promotion Program, established by Law 12.512/2011.

10. Law No. 11.977/2009, which provides for the Minha Casa, Minha Vida – PMCMV Program and the land regularization of settlements located in urban areas, provides that for the indication of beneficiaries, the priority of assistance to families with women responsible for the family unit must be observed as a requirement (article 3<sup>rd</sup>, item IV, Law 11.977/2009).

11. **THE SUPPLEMENTARY LAW No. 150, OF JUNE 1, 2015**, which provides for the domestic work contract, is also relevant.

**Question 6 - Are there particular groups of women and girls at higher risk or conditions that determine barriers for women and girls to access such rights and why (such as living in poverty, working in the informal labor market, unpaid care work or domestic work, migrant, asylum seeker, refugee or stateless status, race, ethnicity, religion, age, gender identity, sexual orientation).**

12. Yes, among Brazilian girls and women living in Brazilian territory, groups with a higher risk of violation in the exercise of rights and economic vulnerability are perceived – black and brown women and girls, women and girls in traditional communities (indigenous, quilombolas), women and girls in rural areas and favelas, women and girls living on the streets, women and girls in situations of refuge and migration, LGBTIA+ women and girls.
13. The Brazilian Public Security Forum in a study on "*Violence against women 2021*" [16] presents a survey on the number of records of crimes against girls and women, showing the violence experienced by them during the pandemic. Only between March 2020, the month that marks the beginning of the covid-19 pandemic in the country, and December 2021, the last month with available data, there were 2,451 femicides and 100,398 cases of rape and statutory rape of female victims. The Brazilian Forum of Public Security also presents the report "*Visible and Invisible: The victimization of women in Brazil*" [17], with elucidation in graphs from page 14, revealing the scenario of violence by age group, by education, by race/color, by region in the national territory, thus verifying the relevance of this information.
14. If on the one hand gender inequality is latent in Brazil, on the other, it is necessary to emphasize that racial, religious, gender identity, sexual orientation and many other issues also interfere with the perception of income and factors directly related to it, such as employment and salary. In this sense, if the analysis is made from an intersectionality, black, indigenous and quilombola women, for example, are even more distant from gender equity.
15. According to the National Household Sample Survey [8] (PNAD) prepared by IBGE, women receive salaries up to 20.5% less than men who occupy the same position. As previously mentioned, racial issues influence inequality and this can be evidenced by the "*Social Inequalities by Color or Race in Brazil*" [9] also prepared by IBGE. According to the survey, black and brown women receive the equivalent of 44.4% of the salaries received by men who hold the same position with the same functions.

**Question 7 - Are there laws and/or practices in your country/region that differentiate people based on sex or gender, that is, between girls and boys to access education, ability for men and women, inside and outside marriage, to enter into contracts, own/manage property, buy land and/or housing, own/manage business and have access to credit? If so, what are they?**

16. In Brazil there is no differentiation in law for the cases presented in the question (access to education, ability for men and women, inside and outside marriage, to sign contracts, own/manage property, buy land and/or housing, own/manage business and have access to credit).
17. However, formal equality is not enough. In order to achieve material equality between men and women, Brazil adopts a series of affirmative actions (amendment and legislative editing, public policies, etc.) and here we exemplify two: superior maternity leave for women [10] and the right of women to retire before men [11]. Among other legal provisions presented in items 6 to 11 of this questionnaire.

**Question 8 - How would you say structural obstacles, and ongoing phenomena or threats in your country (such as the Covid-19 pandemic, climate change, ongoing conflicts, etc.) impact the risks to women and girls, particularly in the way women and girls access economic and social rights?**

18. The Covid-19 pandemic affected the entire world and in Brazil it was no different. The impacts of the pandemic went beyond health, directly and indirectly affecting the economy, culture, politics, etc.
19. In the context of food insecurity, studies carried out before the pandemic showed that this was a more common phenomenon in families provided financially by women [12] and during the pandemic this pattern remained [13]. According to Bruna Schall and the other authors of the article "*Gender and Food insecurity in the Covid-19 pandemic in Brazil: hunger in the voice of women*" [14], the topic of women's food insecurity in the context of the pandemic should be seen from an intersectional perspective of race, class and other social indicators.
20. It is known that culturally in Brazil, domestic chores and family care are also exercised almost exclusively by women, so in cases such as the COVID-19 Pandemic, the reduction of women in the labor market and leadership positions was noticed, leading to the loss or reduction of financial/economic resources for the provision of sustenance, as well as a regression in the participation of women in spaces of power and decision.
21. The "*Technical Note – Vulnerabilities of Domestic Workers in the context of the COVID-19 Pandemic in Brazil*" [15] in its conclusion considers that the maintenance of the burden of domestic work on women has aggravated the costs and the penalty on women (domestic workers or not) in a pandemic context. The reflection brought by the experience lived by families around the world, without support from the State or domestic workers to share reproductive work, provokes the role of men and women within families, and on the other hand, the relevance of these workers sponsored by women almost exclusively to the detriment of income, sustenance and social participation in public spaces.

**Question 9 - Are there specific actors, such as corporations, or macroeconomic norms or policies in your country/region - such as trade agreements, taxes, debts and redistribution measures - that create particular or disproportionate risks or concrete human rights violations for women and girls**

22. When actors in labor relations that perform such conduct are detected, imputing particular or disproportionate risks or concrete violations of human rights for women and girls, the Federal Public Defender's Office and the Labor Prosecutor's Office are responsible for defending these groups so that such imbalances are remedied, and that there is due compensation for the damages incurred. Information on abuses can be detected by the competent authorities (Regional Labor Offices, Federal Policy, etc.) as well as can be reported. There is a continued action by the Federal Public Defenders' Office in the fight against slave-like work that locates outbreaks of these risks, reinforcing that they are illegal circumstances prohibited by Brazilian law.

**Question 10 - Is there any legal or political framework, program or part of your work, that focuses on the role of men in preventing economic risks or vulnerabilities of women and girls and/or guaranteeing women's human rights in the context of poverty and inequality? Is there anyone who makes visible or emphasizes the benefits to the whole of society of an equal and inclusive gender economy?**

23. According to items 6 to 11, there is a legal framework that seeks to promote the overcoming of the existing imbalance in the exercise of women's human rights in the context of poverty and inequality. However, it is necessary to reinforce the need to deconstruct sexist cultural aspects that prevent the understanding that there are benefits for all society of an equal and inclusive gender economy. Considering the increase in gender violence, especially domestic violence (item 13), and the dramatic paternal abandonment of offspring as a national crisis [16], it can be seen that economic inclusion policies are not accompanied by other actions that make society aware that women can be the protagonists of their own sustenance and still have empathy, respect, dignity with themselves and their offspring when they exist.

## PRACTICES OF PLAY

**Question 11 - What are the concrete ways in which the State – in the Executive, Legislative or Judicial Branch – addresses the situation of the structural disadvantage of women and girls in relation to economic and social rights? Are there particular issues and platforms where the state protects them from systemic threats that they face due to poverty and inequality?**

24. According to the constitutional provision, the division of the Powers of the Republic assigns the functions of the Executive, Legislative, Judiciary as well as the auxiliary courts, such as the Public Defenders' Office and the Federal Prosecution Service, as autonomous bodies. In order to achieve cooperation between the powers and other actors, the formulation, implementation, monitoring and evaluation of public policies aimed at overcoming the structural disadvantage of women and girls in relation to economic and social rights provide for instances of Committees and Councils, especially with regard to the scope of actions in states and municipalities.
25. The Ministry of Women, Family and Human Rights, an agency of the Federal Executive, is responsible for promoting the public agenda around these actions. In this ministry there is the National Council for Women's Rights - CNDM to promote policies aimed at eliminating discrimination against women and ensuring their participation in the political, economic and cultural activities of the country. The CNDM has as one of its important duties to support the articulations with various institutions of the Federal Public Administration and with civil society. The states and municipalities are also expected to form these councils, which have a plural composition (public power and civil society).

**Question 12 - How does your institution/government/organization contribute to ensuring girls' and women's access to their basic economic and social rights in their national context? Are there particular issues, platforms or levels at which the State/its institution encourages their participation, inclusion and engagement and what role does it play?**

26. It is incumbent upon the Federal Public Defenders' Office, under the terms of Complementary Law No. 80 of 1994, to promote "legal guidance, the promotion of human rights and the defense, at all levels, judicial and extra-judicial, of individual and collective rights, in an integral and free of charge manner, to those in need".
27. Thus, this institution has provided free legal aid to women with low income, seeking the promotion and realization of their rights, individual and collective demands. Still, the DPU has acted in order to provide subsidies to other institutions and entities that so request about the rights inherent to women and, in some cases, suggesting changes and appropriate mechanisms to achieve this purpose.
28. The Women Working Group – which makes up the Secretariat for Strategic Actions – SAE of the General Secretariat for Institutional Articulation – SGAI, of the Superior Administration of the Federal Public Defenders' Office, has a national composition with representation of each of the five regions, South, Southwest, North, Northeast and Midwest, in addition to focal points in the states. As a Working Group, one of the missions is to open a dialogue with civil society on the agenda of women's rights, as well as in the recognition and defense of women's economic, social, cultural and environmental rights.

**Question 13 - Could you refer to legal norms and policies to eliminate poverty as well as to reduce economic inequality, such as taxation, debt and redistribution measures, or specific economic or social policies, and could you specify if they adopt a gender perspective and/or if there are any specifically targeted at women and girls?**

29. According to the research "the challenges faced by women who are mothers and who undertake small businesses" [17] carried out by UN Women, gender cannot be a limiting factor. Affirmative measures on taxation, income redistribution, economic policies and others would be fundamental to guarantee gender equality in its economic aspect, however, the Tax Law Center of the Professional Master's Degree of Fundação Getúlio Vargas [18] states that in Brazil, women pay up to 40% more taxes than men. As for specific public policies, these were presented in items 6 to 11.

**Question 14 - Could you refer to any good practice or measure or innovative initiative that has helped promote the socioeconomic safety of women and girls?**

30. Within the scope of the DPU, the Women's WG has developed actions to promote the right of women and girls, measures such as (a) the Manual for the Defense of the Sexual and Reproductive Rights of Women, which aims to produce material for education in sexual and reproductive rights of women to the general public – reaching themes such as obstetric violence, humanized childbirth and family planning, it contributes to *promote the socioeconomic security of women and girls as they empower them in reproductive autonomy, being able to choose when to plan the moment, time and resources for offspring, since without this counterpart of planning, girls and women are hostage in the condition of mere reproducers, making it impossible to articulate other measures in the professional area, studies, etc.* ([https://promocaodediretoshumanos.dpu.def.br/wp-content/uploads/2021/07/cartilha\\_defesa\\_direitos\\_sexuais\\_reprodutivos-2021.pdf](https://promocaodediretoshumanos.dpu.def.br/wp-content/uploads/2021/07/cartilha_defesa_direitos_sexuais_reprodutivos-2021.pdf)), (b) Annual Seminar DPU Women – as a space to consolidate a legal-academic space for the production of knowledge and debates on gender and women's rights. - <https://promocaodediretoshumanos.dpu.def.br/seminario-nacional-mulheres-e-ocupacao-em-espacos-de-poder-e-decisao/>
31. As an institutional action, it is also worth mentioning the measure adopted by the Federal Senate – which began as a voluntary action in the management of that body and is now being processed as [Bill No. 3.595/2019](#) – which aims to safeguard quotas for women victims of domestic and family violence in service outsourcing contracts (cleaning, administrative assistant, etc.).

**Question 15 - How can women and girls participate in decision-making in this area?**

32. In the legislative power [19], since 1997 Law No. 9,504/1997 provides for gender parity in political parties or coalitions, so that women must occupy at least 30% and at most 70% of the candidacies. The TSE has adopted measures to supervise these applications and, in cases that are proven to be “stalking horse” applications simply in order to meet the established quota, the applications are revoked for fraud [20]. Taking into account that most of the possible measures to achieve the same gender material can come from the Legislative Branch, we consider these important to combat socioeconomic insecurity. The participation in Councils at the national, state and municipal levels are also spaces for decision and power aimed at the exercise of rights, as provided in item 25.

**INTERNATIONAL STANDARDS AND POLICIES: FOR UN AGENCIES, OFFICES AND INSTITUTIONS, PARTICULARLY INTERNATIONAL ECONOMIC INSTITUTIONS (ESPECIALLY WB, IMF, WTO)**

**Question 16 - Are there policies implemented by your organization, or recommended to/applied in States, to protect women and girls from sudden economic risks and shocks derived from crises, and strengthen their resilience and that of the communities in which they live?**

**Question 17 - What are the main actions taken by your organizations to reduce the poverty of women and girls and/or reduce their levels of economic inequality?**

33. The Federal Public Defenders' Office provides full and free of charge legal aid to the population in a vulnerable situation, under the terms of Complementary Law 80/94, with attribution of action in individual and collective guardianships with the Federal Public Administration, Federal Justice, Military Justice, Electoral and Labor Justice. Soon all federal public policy frustrated in achieving the purpose for which it is intended, becomes the target of action of the Federal Public Defenders' Office - DPU.
34. In this sense, the greater collaboration of the DPU in reducing poverty of women and girls and/or reducing their levels of economic inequality is in individual and collective care for granting social security and assistance benefits to low-income girls and women (social security benefits provided for in Law 8.213/91, whether temporary - childbirth, disability, imprisonment - or permanent - disability, age, contribution time, death) (welfare benefits provided for in Law 8742/93, in cases of age or disability, and Law 14.284/2021, Brazilian aid – provision for income distribution against the criterion of misery), inclusion in federal government housing programs, revision of housing credit agreements, student credit, among others, with Caixa Econômica Federal (Financial Institution in the form of a public company linked to the Ministry of Planning of the Federal Executive – which operates several of the public policies of income transfer and financing), among other actions.

**Question 18 - Could you mention any concrete action taken to promote and protect the economic and social human rights of women and girls?**

35. The Ministry of Women, Family and Human Rights has adopted several measures and actions to promote and enforce the rights of women and girls in Brazil. One of these actions is the “Qualifying Women” [21], conceptualized as a project to promote women's economic autonomy through partnerships with the federal, state, district and municipal public authorities.
36. Another product developed is the “Safe and Protected Women Program” [22]. This program aims to integrate and expand public services for the protection of women, especially those victims of violence of any kind. The “United Mothers” [23] is a program focused on health promotion, access to justice and citizenship for women in the gestational phase, with the support of volunteers who will be properly trained to serve this purpose.

**RECOMMENDATIONS/ THE WAY FORWARD**

**Question 19 - What concrete measures should States adopt and implement to eradicate poverty and address, in particular, the situation of women and girls living in poverty and the disproportionate impact that poverty has on them?**

**Question 20 - What concrete measures should States take to address systemic discrimination based on gender/age/socioeconomic status and the challenges affecting women and girls living in poverty?**

**Question 21 - What would be your main recommendation to promote the socioeconomic safety of women and girls?**

37. The provocation on the part of States to adopt concrete measures to implement poverty eradication and face, in particular, the situation of women and girls living in poverty and the disproportionate impact that poverty has on them, is supported by the constitutional commitments made, in particular, in order to consolidate a participatory democracy. In addition, for more practical purposes, there is the 2030 Agenda, a global pact signed during the United Nations Summit in 2015 by the 193 member countries, composed of 17 interconnected objectives, divided into 169 goals, with a focus on overcoming the main development challenges faced by people in Brazil and worldwide, promoting global sustainable growth by 2030.
38. The objectives pass through the Sustainable Development Goals, among them, SDG 1 – Eradication of poverty: ending poverty in all its forms, everywhere and SDG 5 – Gender equality: achieving gender equality and empowering all women and girls.
39. As stated in the SDGs, the actions promoted by public policies must be integrated, and first, be consolidated in the public and private sector agendas as a priority. The economic emancipation of girls and women goes through reproductive health, formal education, fostering entrepreneurship, access to financial and structural resources (from adequate food to water distribution infrastructure, public transport, etc.), income distribution programs, specific actions such as the reduction of the *pink tax* (taxes on exclusive products for female use, such as the absorbent pads), and even the cultural deconstruction of gender roles in the family sphere, reducing the burden of women on the domestic journey, that is, it also involves addressing responsible parenthood and overcoming domestic violence.
40. The adoption of the Guiding Principles on Business and Human Rights is also a way to ensure the reduction of gender discrimination in the labor and business sphere, enabling equal salaries for professionals who perform the same functions, the possibility of women occupying the spaces of decision-making without being evaluated with greater weight due to their gender and the realization of other rights that women already have, but that are not practiced in the way they should.
41. The socioeconomic security of women and girls is a complex and urgent problem on the national and international agenda and needs to be met in Brazil as a priority in the Federal, State and Municipal Government spheres, including the union of actions between Executive, Legislative and Judiciary, a federative pact in favor of democracy and full citizenship.

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Document electronically signed by **Liana Lidiane Pacheco Dani, GT Representative**, on 25/10/2022, at 8:08 p.m., according to paragraph 2 of article 10 of Provisional Presidential Decree No. 2.200-2 (August 24, 2001).



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