April 29, 2021

Special Rapporteur on violence against women, its causes and consequences

Geneva, Switzerland

Case: Information to the Special Rapporteur’s report on femicide to be presented at the 76th session of the General Assembly

**Key questions and types of input sought**

The Special Rapporteur kindly seeks the continued support of States, National Human Rights Institutions, civil society actors, international organizations, academics and other stakeholders to provide information:

**2. On other measures including research and studies undertaken to analyze femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members and other femicides. If available, please share a copy of such studies.**

In 2017, the research group *Lesbocídio – As histórias que ninguém conta (The Stories that Nobody tells)* linked to the Federal University of Rio de Janeiro (UFRJ), released the Dossier on *Lesbocídio no Brasil (de 2014 a 2017)*[[1]](#footnote-1) *(Lesbocídio in Brazil (from 2014 to 2017))*, based on journalistic works. The dossier demonstrates that Brazil has seen an exponential increase in the murder of lesbian and bisexual women. In 2004, “only” four cases of murders of lesbian women were identified, 10 years later, in 2014, there were 16 cases. In 2015, 26. In 2016, 30. In 2017, 54 cases. This means that between 2014 and 2017, there was an increase of about 237% of lesbian women killings in Brazil. More than half of the reported cases are women who are not feminized and almost half are Afro-descendants. Despite its importance, this study had only one publication, due to lack of support and resources. In addition, according to the Brazilian Lesbian Association (ABL) the authors were threatened after its publication. It is vital to gather a mapping and analysis of the deaths of lesbian and bisexual women in Brazil, as well as to ensure their safety in the defense of human rights.

Annually, the National Association of Travestis[[2]](#footnote-2) and Transexuals (ANTRA) publishes a dossier on the murder and violence committed against the population of *travestis* and transsexuals in Brazil.[[3]](#footnote-3) Motivated by hatred and disgust, these killings are part of widespread, intentional and systematic project to eliminate the trans population. ANTRA chooses to use the term *tranfeminicide*,[[4]](#footnote-4) in order to reinforce a political dimension of these killings. ANTRA’s methodology includes gathering news stories of the murders, and collecting information from its collaborators and partners in other states. In 2020, there were 175 murders of transsexual and *travestis* women, 78% of them were Afro-Brazilians.

LGBTI civil society organizations largely gather statistics of LGBTI murders through news sources which results in a high rate of underreporting and does not accurately reflect the gravity of the situation. It is important to point out that this underreporting is not homogenous. The more peripheral the region where the murder occurs, the less likely the cases will be reported.

This context reveals a racial disparity in the murder findings. The likelihood that the murder of a white, middle-class man living in an elite neighborhood resident has a higher chance of news coverage than the murder of a lesbian women, bisexual or Afro-descendant transsexual who does not live in large urban centers, but rather remote regions where news coverage is sparce. For this reason, Race and Equality’s dossier, *What is the Color of the Invisible? The Human Rights Situation of the Black LGBTI Population in Brazil,* found that:

It is necessary to recognize that socio-racial hierarchies in Brazil not only determine conditions of life, but also conditions of death. There is a hierarchy between the deaths that are visible and those that are not. The color of one’s skin is what separates the two, intersected with factors such as poverty, gender, geographic location, and a variety of other factors of hierarchical ‘invisibilization.[[5]](#footnote-5)’

**5. On good practices and challenges in implementing an evidence-based response to the prevention of femicide.**

It is important to note the progress of legislation for women, such as the creation of the Maria da Penha Law for victims of domestic violence, the formation of the Central Care for Women in Situations of Violence (Call 180), [[6]](#footnote-6) the elaboration of the National Policy Plan for Women, [[7]](#footnote-7) the Law of Feminicide Law n° 13.104).[[8]](#footnote-8)

However, despite these advances, even 15 years after the implementation of the Maria da Penha Law, a legal instrument currently present in public policy law, is still not sufficient to protect the lives of Afro-descendant women, especially in the context of trans women. Although the law states that violence relations are gender-based, there is no uniformity in judicial decisions regarding the application of the Maria da Penha Law towards *travestis* and transexual communities, which results in a lack of legal certainty and no curb in the number of attacks on the community.[[9]](#footnote-9)

This phenomenon occurs in crimes of feminicide. The 2015 law instituted a statute of limitations on homicide of 12-to-30-year prison sentence for such crimes. This sentence was directed to crimes committed against women on grounds of female status and involving domestic and family violence, or motivated by contempt or discrimination against women. The very choice of the term sex, rather than gender, was a strategy used to further marginalize transgender and *travestis* women.

ANTRA’s dossier states that the lack of recognition of the murders of transsexuals and *travestis* as feminicides reveals institutional transphobia and the nonrecognition of the citizenship of this population, even after death. For ANTRA, the fact that in 2020, 100% of reported murders of trans people in Brazil have occurred against the female gender, points to the need to frame the murder of *travestis* and transgender women in the Law of Feminicide.[[10]](#footnote-10)

Jurisprudence is still being created. In a recent decision of the 5th Chamber of the Superior Court of Justice, the understanding that having indicative evidence and demonstration of possible occurrence of the qualifier of feminicide, (the debate on its effective application on the case where the victim is a transsexual women) is the task of the jurors at the trial session of the Jury Court **(HC 541.237)**[[11]](#footnote-11)**.** However, the lack of standardization of those who will be recognized as victims prevents the proper adoption of government public policies, especially in relation to trans-feminicide victims.

Regarding the pandemic period, it is important to note that the UN has made a number of recommendations to guide countries in addressing violence against women in this context. The idea is to foster access to online care services, establish emergency alert services in pharmacies and supermarkets, and create temporary shelters for victims of gender-based violence. Despite the recommendations and the expansion of care to victims through online services, Brazil did not adopt sufficient measures, compared to other countries who have turned hotel rooms into temporary shelters for women in situations of violence. It is also noteworthy that the main profile of victims are poor, Afro-descendant and have limited access to online services.[[12]](#footnote-12)

**6. On data, if available, on femicides or intimate-partner and family-related homicides of women and men in the past 3 years, including during the Covid-19 pandemic (indicating the time period e.g. since March 2020 to the end of December 2020) and its comparison with such data before the COVID-19 pandemic.**

According to the latest data, in 2019, 1,326 women were victims of feminicide: an increase of 7.1% from the previous year in which there were 1,229 deaths.[[13]](#footnote-13) Confirming the vulnerability of intersectional violence, Afro-descendant women made up the vast majority of the victims of this crime, accounting for a total of 66.6%.[[14]](#footnote-14) This data cannot be read separately from what is reported in the Atlas of Violence regarding homicides against women. In 2018, the homicide rate of Afro-descendant women was almost twice that of non Afro-descendant women. In addition, there is an even more alarming statistic: between 2008 and 2018, the homicide rate among non Afro-descendant women fell by 11.7%, while the rate among Afro-descendant women increased by 12.4% which confirms how race in Brazil acts as a definitive factor that authorizes and naturalizes death and violence,[[15]](#footnote-15) a gendered racism[[16]](#footnote-16) causing disproportional rates of discrimination, violence and death for Afro-descendant women.

Regarding data that considers the pandemic period, the Brazilian Public Security Yearbook of 2020 reported that, in the first half of 2020, there was an increase of 1.2% of feminicides in Brazil, compared to the same period in 2019, of 636 in 2019 to 648 in 2020.[[17]](#footnote-17) Such data may not correspond to reality, since they are made through the notification of an offense by the police authority. In addition, the crime of domestic violence is underrepresented, -especially because of the lack of standardized data, speed of availability which varies depending on the state-, as well as the pandemic context, where the difficulty to report the aggressor leaves the victims even more vulnerable, since family dynamics were severely affected due to social isolation measures.

It is important to point out that 58.9% of feminicides occurred in a residence, and that in 89.9% of cases, the perpetrator of the crime is a companion or former companion of the victim.[[18]](#footnote-18) This scenario is different when considering cases of transfeminicide. Of the 175 cases of murders of trans people reported in 2020, 70.8% occurred in public places and 72% of the cases where it is possible to identify the perpetrator, there is no connection between them and the victim. This is probably due to the fact that, as estimated by ANTRA, 90% of the trans population in Brazil use prostitution as the main means for their survival, which exposes them to transphobic hatred in the streets.[[19]](#footnote-19)

It should be noted that for the trans population, the pandemic period represented a brutal increase in the number of murders: in 2019, there were 124 cases, in 2020 there were 175, an increase of 41%. It can be seen, therefore, how much the trans population remains in a scenario of total neglect by the state, which remains accentuated during the pandemic.[[20]](#footnote-20)

1. DIAS, Maria Clara; PERES, Milena Cristina Carneiro; soares, SUANE FELIPPE. *Dossiê sobre lesbocídio no Brasil: de 2014 até 2017*. Rio de Janeiro: Livros Ilimitados, 2018, pp. 38, 47, 55 e 63. Disponível em: <https://dossies.agenciapatriciagalvao.org.br/fontes-e-pesquisas/wp-content/uploads/sites/3/2018/04/Dossi%C3%AA-sobre-lesboc%C3%ADdio-no-Brasil.pdf> [↑](#footnote-ref-1)
2. *Travesti* is a political identity existing in Brazil to refer to a person who was assigned male at birth, but who identifies themself as being of female gender and express themselves as being of female gender, even though they are not recognized as women according to the social constructs of the society in which they live. [↑](#footnote-ref-2)
3. ANTRA. Dossiê dos assassinatos e da violência contra travestis e transexuais brasileiras em 2020 / Bruna G. Benevides, Sayonara Naider Bonfim Nogueira (Orgs). – São Paulo: Expressão Popular, ANTRA, IBTE, 2021. Available at: <https://antrabrasil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf> [↑](#footnote-ref-3)
4. BENTO, Berenice. Brasil: país do transfeminicídio. Disponível em: [www.clam.org.br/uploads/arquivo/transfeminicidio\_berenice\_bento.pdf](http://www.clam.org.br/uploads/arquivo/transfeminicidio_berenice_bento.pdf) [↑](#footnote-ref-4)
5. Instituto Internacional sobre Raça, Igualdade e Direitos Humanos; PORTO, Isaac. Qual é a cor do invisível? A situação de direitos humanos da população LGBTI negra no Brasil. Rio de Janeiro: Instituto Internacional sobre Raça, Igualdade e Direitos Humanos, 2020, p. 76. [↑](#footnote-ref-5)
6. Governo Federal. Ministério da Mulher, da Família e dos Direitos Humanos. *Ligue 180*. <https://www.gov.br/mdh/pt-br/navegue-por-temas/politicas-para-mulheres/ligue-180> [↑](#footnote-ref-6)
7. Brasil. Presidência da República. Secretaria de Políticas para as Mulheres. *Plano Nacional de Políticas para as Mulheres.* Brasília: Secretaria de Políticas para as Mulheres, 2013. Disponível em: <https://oig.cepal.org/sites/default/files/brasil_2013_pnpm.pdf> [↑](#footnote-ref-7)
8. Lei nº 13.104, de 9 de março de 2015, disponível em: <http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13104.htm> [↑](#footnote-ref-8)
9. Instituto Internacional sobre Raça, Igualdade e Direitos Humanos; PORTO, Isaac. Qual é a cor do invisível? A situação de direitos humanos da população LGBTI negra no Brasil. Rio de Janeiro: Instituto Internacional sobre Raça, Igualdade e Direitos Humanos, 2020. [↑](#footnote-ref-9)
10. ANTRA. Dossiê dos assassinatos e da violência contra travestis e transexuais brasileiras em 2020 / Bruna G. Benevides, Sayonara Naider Bonfim Nogueira (Orgs). – São Paulo: Expressão Popular, ANTRA, IBTE, 2021. Available at: <https://antrabrasil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf> [↑](#footnote-ref-10)
11. Conjur. Qualificadora do feminicídio por crime contra transexual é decisão do Júri, diz STJ. Disponível em: <https://www.conjur.com.br/2021-jan-29/qualificadora-feminicidio-vitima-trans-decisao-juri> [↑](#footnote-ref-11)
12. Anuário Brasileiro de Segurança Pública 2020. Disponível em: <https://forumseguranca.org.br/wp-content/uploads/2020/10/anuario-14-2020-v1-interativo.pdf> [↑](#footnote-ref-12)
13. Idem. [↑](#footnote-ref-13)
14. Instituto de Pesquisa Econômica Aplicada. Atlas da Violência 2020. Disponível em: <https://www.ipea.gov.br/atlasviolencia/download/24/atlas-da-violencia-2020> [↑](#footnote-ref-14)
15. Instituto Internacional sobre Raça, Igualdade e Direitos Humanos; PORTO, Isaac. Qual é a cor do invisível? A situação de direitos humanos da população LGBTI negra no Brasil. Rio de Janeiro: Instituto Internacional sobre Raça, Igualdade e Direitos Humanos, 2020. [↑](#footnote-ref-15)
16. KILOMBA, Grada. Memórias da plantação. Episódios de racismo cotidiano. Tradução: Jess Oliveira. Rio de Janeiro: Cobogó, 2019. [↑](#footnote-ref-16)
17. Anuário Brasileiro de Segurança Pública 2020. Disponível em: <https://forumseguranca.org.br/wp-content/uploads/2020/10/anuario-14-2020-v1-interativo.pdf> [↑](#footnote-ref-17)
18. Idem. [↑](#footnote-ref-18)
19. ANTRA. Dossiê dos assassinatos e da violência contra travestis e transexuais brasileiras em 2020 / Bruna G. Benevides, Sayonara Naider Bonfim Nogueira (Orgs). – São Paulo: Expressão Popular, ANTRA, IBTE, 2021. Available at: <https://antrabrasil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf> [↑](#footnote-ref-19)
20. Idem. [↑](#footnote-ref-20)