



Federative Republic of Brazil
Chamber of Deputies
PSOL Leadership

Brasília, October 27, 2022

URGENT APPEAL

BOLSONARO'S CRIMINAL CONDUCT TOWARDS VULNERABLE GIRLS AND GRAVE DISMANTLING OF POLICIES FOR WOMEN IN BRAZIL

Letter number 44/2022

To:

Mr. Volker Türk,
United Nations High Commissioner for Human Rights

Ms. Reem Alsalem
United Nations Special Rapporteur on violence against women, its causes and consequences

Ms. Mikiko Otani
Committee on the Rights of the Child

Mr. Felipe González Morales
United Nations Special Rapporteur on the human rights of migrants

Working Group on discrimination against women and girls

SÂMIA BOMFIM, ÁUREA CAROLINA, FERNANDA MELCHIONNA, LUIZA ERUNDINA, TALÍRIA PETRONE, VIVI REIS, GLAUBER BRAGA, and IVAN VALENTE, federal deputies from the Socialism and Liberty Party (*Partido Socialismo e Liberdade* - PSOL, in its acronym in Portuguese); **CÉLIA XAKRIABÁ, ERIKA HILTON, SONIA GUAJAJARA, CHICO ALENCAR, GUILHERME BOULOS, PASTOR HENRIQUE VIEIRA, and TARCÍSIO MOTTA** recently elected federal deputies from PSOL; and **LUCAS JOSÉ RAMOS LOPES**, on behalf of the **BRAZILIAN COALITION FOR THE END OF VIOLENCE AGAINST CHILDREN AND ADOLESCENTS** respectfully address these bodies in order to report about Brazilian president's grave acts against children, adolescents and women in Brazil.



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Overview

On October 14, 2022, in a podcast interview, Jair Bolsonaro, the current Brazilian president, narrated an episode in which he said “there was a spark” (“pintou um clima”) between him, a 67 years old man, and a Venezuelan girl of about 14 - 15 years old in a context of extreme vulnerability. He said:

I stopped the motorbike at a corner, took off my helmet and looked at these 3, 4 pretty little girls, 14, 15 years old, all dressed up on a Saturday in a slum. And I saw that they were kind of alike. There was a spark (“pintou um clima”), I went back. ‘Can I enter your house?’ I entered. There were 15, 20 girls, Saturday morning, dressing up. All Venezuelans. And I ask: 14, 15 years old cute girls getting ready on Saturday for what? Making a living”

Bolsonaro’s declaration is deplorable in any context, but it becomes specially vile considering that Brazil is the second country in the world that most sexually exploits children and adolescents. According to official data gathered by Instituto Liberta, every 24 hours, 320 children and adolescents are sexually exploited in the country – a number that can be even higher, as only 7 out of 100 cases are reported. 75% of these victims are black.

According to the Brazilian Public Security Yearbook, in 2021, there were an average of 130 cases per day of sexual violence against children and adolescents. In the Federal District, where the episode reported by Bolsonaro took place, there is an average of one rape of vulnerable person per day. Instead of fighting such brutal reality, Bolsonaro promotes and encourages this violence, not only by acts and speeches like this and many others, but also by gravely dismantling policies and cutting off budgets.

The result is that during the first three years of Bolsonaro’s government, the number of femicides grew 9,1% in the country. Between 2019 and 2021, 4.026 women were killed in Brazil, which means one every 6,5 hours. According to Institute DataSenate, 89% of the women in Brazil feel that gender based violence has increased in this period.

Bolsonaro’s criminal conduct

The fact that the president himself publicly states that he did nothing in face of what he believed to be a situation of sexual exploitation of minors may constitute crime of prevarication, as stipulated in Brazil’s Penal Code, art. 319. Bolsonaro also violated Brazil’s Constitution and the Children and Adolescent’s Statute (ECA) which establishes the obligation of everyone, including the president, to assure children’s and adolescents’ dignity.

Besides, considering Bolsonaro’s declaration that “there was a spark” between him and a 14 year old girl, it is necessary to investigate whether he has committed crimes against the



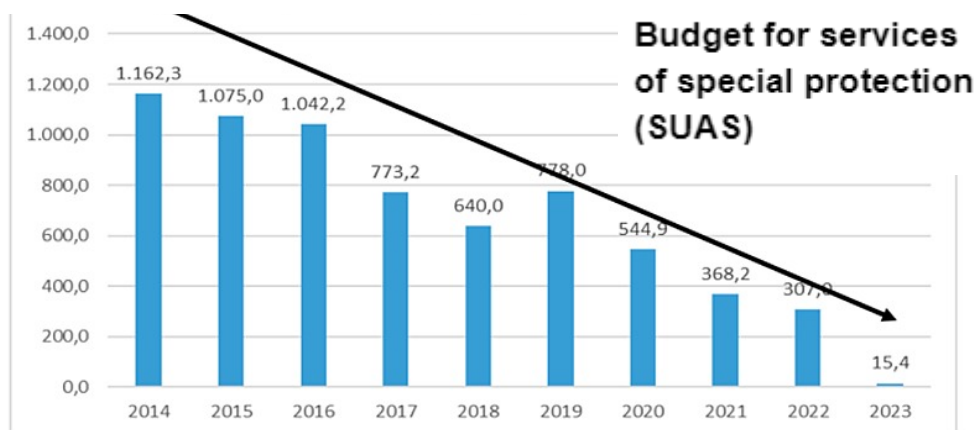
sexual dignity of children and adolescents, as stipulated in title IV of the Brazil's Penal Code. In face of all of this, PSOL federal deputies presented a criminal complaint against Bolsonaro at Brazil's Supreme Court, which was denied by a minister who was nominated by Bolsonaro himself.

It is also important to highlight that Bolsonaro's action and discourse have deeply affected the lives of the girls in question, who weren't able to attend school for a week due to the public harassment. Bolsonaro's doings also contribute to increase the vulnerability to which the Venezuelan community is subjected in Brazil, boosting xenophobic and misogynistic behaviors against them and fueling the stigmatization of migrants in general, which contradicts Brazil's Migration Law 13445 and its international commitments on the matter.

After the negative public repercussion about Bolsonaro's statement, his wife and former minister Damara Alves secretly visited the house he said he entered after he felt a "spark" between him and the 14 years old girl. Without any public defender present, they pressured the community leaders to remain silent.

Dismantling policies and cutting off budget to protect girls and women

Under Bolsonaro, Brazil has the smallest budget in all its history for actions to combat violence against women. For the 2023 budget, the amount reserved for actions against abuse and/or sexual exploitation of children and adolescents is 99% lower than what existed in the last years of the Dilma Rousseff government¹.



Fonte: Siop. Entre 2014 e 2021, empenho. Para 2022, LOA. Para 2023, PLOA. IPCA médio.
Elaboração Bruno Moretti.

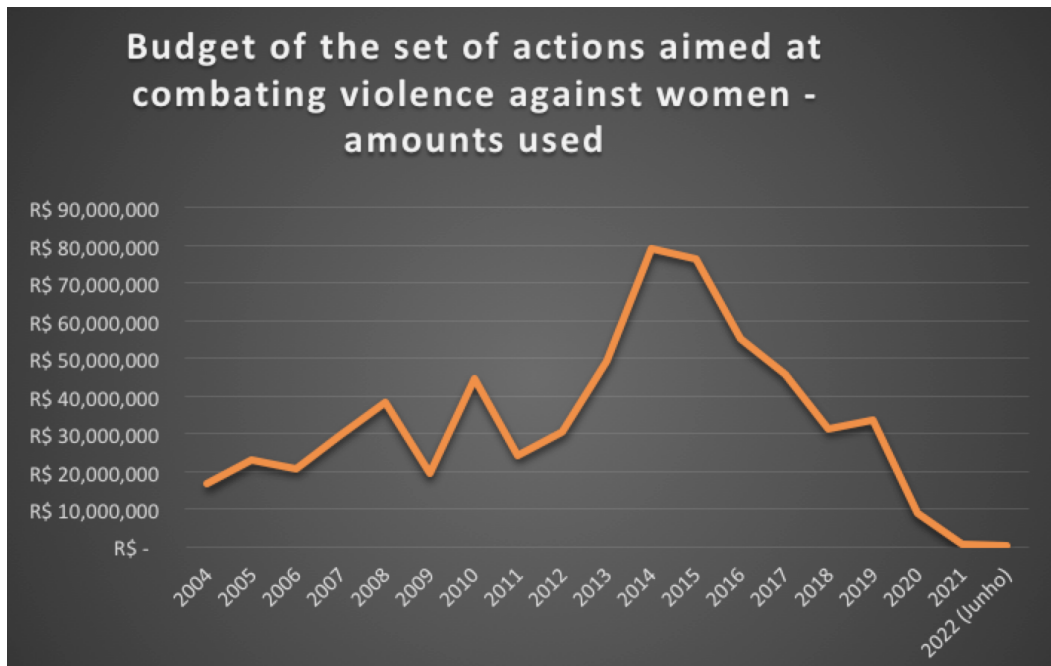
As we have previously reported, in 2019, Bolsonaro decided to exclude the Program "Policy for Women: Promoting Equality and Confronting Violence", which existed since 2012.

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<https://www.brasildefato.com.br/2022/10/17/investimentos-em-protecao-a-infancia-e-adolescencia-de-spencam-no-governo-bolsonaro>



Allegedly, the government would relocate its previous actions to a new Program called “Protection of life, strengthening of the family, promotion and defense of human rights for all”, but the almost nonexistent budget meant its de facto extinction.



Source: official Siop data gathered by PSOL

The 2021 budget accounts to only 0.67% of the year 2014 amount, during Dilma Rousseff's government, the largest budget in the historical series. As the above graphic shows, in 2022, up until today, there is no amount actually used in the actions to combat violence against women. The amount reserved to it is totally negligible compared to previous periods: less than 14% of what was reserved in 2015, the year before the impeachment of former president Dilma².

Statements promoting and encouraging violence against girls and women

Besides dismantling Brazil policies for protecting women, Mr. Bolsonaro has an extensive record of statements that diminish women and promote gender-based violence: a dangerous combination that calls into question Brazil's intention and ability to fulfill its international obligations on the matter, notably the ones from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) and even the UN Convention on the Rights of Children.

2

<https://www1.folha.uol.com.br/cotidiano/2022/09/bolsonaro-cortou-90-da-verba-de-combate-a-violencia-contra-a-mulher.shtml>



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On February 5, when questioned about the cuts on policies for women, Bolsonaro said, that “[The Minister responsible for women policy] Damares [Alves] is grading 10 in this matter, it is not about money, or resources. It is about posture, the behavior change that we have to have in Brazil.” This, unfortunately, is not the only statement by Bolsonaro that reviews his sexism and lack of capacity and will to promote policies for women.

In 2003, in the middle of an interview for a TV network in Brazil, Bolsonaro, a congressman then, attacked a fellow congresswoman saying “I would never rape you because you don't deserve it”. He pushed his colleague and threatened to evolve the physical aggression. In 2014, he reiterated his statement in the Chamber of Deputies' Plenary, confirming what he said in 2003, by using the same words.

In 2017, in a speech during his pre-campaign for presidency, Bolsonaro stated “I have five children. There were four men, then, on the fifth I ‘faltered’ and a woman came”. Later, in 2019, during a speech on the International Women's Day, the president said: “For the first time ‘in life’ the number of female and male ministries is balanced in our government. We have 22 ministries, 20 men and two women. Just a small detail: each of these women who are here is equivalent to ten men (laughs)”.

In April 2019, Bolsonaro stated that Brazil could not be a country of gay tourism, and while speaking about the image of Brazil abroad, he made the case for sex tourism: “Anyone who wants to come here to have sex with a woman, feel free”. Later that year, during a press conference, Bolsonaro criticized “foreign influences” in the demarcation of lands in Brazil with the following metaphor: “Brazil is a virgin that every foreign pervert wants”.

Earlier this week, Bolsonaro spoke in favor of the former president of public bank Caixa Federal, who was dismissed after several complaints of sexual haressement by female employee. “I have not seen point-blank testimonies from any woman. I saw testimonials from women who suggested it [sexual haressement] could have happened”.

Acting against the rights of girls and women at the UN

Reflexes of all the described above can be verified at the UN. In 2019, Brazil abstained in a resolution about sexual and reproductive health at the Economic and Social Council. In 2020, Bolsonaro's government also abstained when the Human Rights Council decided on amendments excluding the role of young female human rights activists and defenders in the construction of public policies aimed at gender equality.

In 2021, Brazil did not adhere to a declaration from the Human Rights Council in the context of the International women's Day, choosing not to make commitments regarding women's



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health. The State also tried remove mentions to sexual and reproductive rights in one of the Council's resolution in 2022.

Conclusions

Since 2016, despite the growth of violence against women in the country, budget allocation and effective financing for policies aiming this issue have only decreased. At the same time Jair Bolsonaro himself is responsible for criminal conduct towards girls and speeches that promote violence against girls and women.

Given all of the above, there is no doubt that the Federative Republic of Brazil has been failing in protecting children, adolescents and women from violence. Besides violating its own Constitution and laws, Brazil is also disrespecting international standards, such as those expressed by the CEDAW, the Belém do Pará Convention, the Universal Declaration of Human Rights, the American Convention on Human Rights, UN Convention on the Rights of Children, and others.

In view of the foregoing, we urgently request:

- to process this communication as an Urgent Appeal, in view of the gravity and urgency of the matter;
- to issue a public statement, considering the gravity and urgency of the facts described;
- to request from the Brazilian Permanent Mission to the UN in Geneva explanations for the violations described herein;
- to publicize the relevant exchange of letter in the OHCHR report on communications;
- to remain seized of the matter.

Sincerely yours,

Sâmia Bomfim
PSOL Leader

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Lucas José Ramos Lopes

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Coalizão Brasileira pelo Fim da Violência contra Crianças e Adolescentes