

CEDAW 88th Session

3rd Periodic Report

BRAZIL

Women Living on the Streets

Joint Civil Society Report



Movimento Nacional População de Rua

Movimento Nacional de Luta em Defesa da População em Situação de Rua

Movimento Estadual da População em Situação de Rua em São Paulo

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*The woman who lives on the street needs to choose
her rapist, her abuser, who will defend her from other
aggressors and rapists*

testimony of a woman on the street in Brazil

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Executive Summary

This document was prepared in the context of the 3rd Periodic Review of the Brazilian State before the Committee against Discrimination against Women (CEDAW), under the State obligation of the State to submit periodic reports, upon the ratification of the CEDAW Convention in 2002.¹

The situation of women living on the streets represents one of the most drastic violations of CEDAW provisions by the Brazilian State, requiring a specific report on the subject for the current review. Despite making up a minority of 15% of the population living on the streets, women were victims of 40% of the violations reported by the government, in a scenario of probable underreporting. The number of women experiencing homelessness increased dramatically during and after the COVID-19 pandemic and even after the pandemic ended, this high percentage of women remains on the streets.

The various intersectionalities, including race, ethnicity, socioeconomic status, drug use, low schooling, and poor job skills, expose these women to extreme vulnerability. The various crises generated by the pandemic have aggravated the situation of women living on the street.

The available data on homeless women are fragmented, sparse and insufficient to develop an effective public policy, with a clear gender policy. The current public policy to people living on the streets contains only occasional mentions of the gender perspective. The Supreme Court, in an important ruling on the homeless population, addresses the rights protected by CEDAW in a merely declaratory manner, without determining specific measures to implement the Convention at the domestic level.

Introduction

In Brazil, the gender-based violence experienced in domestic spaces often leads women – and also trans people – to live on the streets, largely due to the inefficiency of the shelter networks and the protection mechanisms of the State. However, on the streets, violence is aggravated against this population technically called *hyperhyposufficient* (extremely vulnerable) – women, children, LGBTQIA+ people, black people. They are the most invisible of the invisibles of a vast impoverished and disembodied social stratum. In other words, the hardest hit by accumulating vulnerabilities.

¹ Presidency of the Republic – [Decree No. 4,377 of September 13, 2002](#) – Enacts the Convention on the Elimination of All Forms of Discrimination against Women, of 1979, and repeals Decree No. 89,460, of March 20, 1984.

In an estimate presented by the Institute of Applied Economic Research (IPEA), in 2022, there were 281,472 people living on the streets, most of them in the southeast region of the country and in large municipalities.² Another survey, a report by the Ministry of Human Rights and Citizenship³, for 2022, indicated 236,400 homeless people registered in the federal government's Unified Registry program, aimed at low-income families. Of these registered people, 87% were male, 55% were between 30 and 49 years old, 68% were black and 15% had a disability.⁴

According to data from the Notifiable Diseases Information System (Sinan), which reports on records of violence from people who seek the health system, although women on the street represent only 13% of the total population, they were victims of 40% of the cases reported in 2022.⁵

It is worrying to note how few sources of information on the population living on the street in Brazil are, despite the efforts made in recent years. This population increased by about 211% between the years 2012-2022 according to a study also carried out by IPEA, crossing data from the Federal Government's Single Registry, the Monthly Records of Social Assistance Service, the Census (SUAS). The Qualitest Census, prepared only for the city of São Paulo, revealed that 55% of the homeless people in the metropolis come from the state itself, 85% are men, 68.8% are black people and 91.5% are literate.⁶

<p>Growing Number of Women Living on the Streets During and After the COVID-19 Pandemic</p>	<p>SDG Target 1.3 Target 5.a</p>
<p>CEDAW – Articles 6, 12 and 14 (b) and 16.1 CEDAW – General Recommendation No. 24 CEDAW – Call for joint action in the times of the COVID-19 pandemic CESCR – General Comment No. 16 – Right to Decent Housing OHCHR – COVID Guidelines and Women's Human Rights</p>	

The increase in this population is a phenomenon that stands out - not only in the largest Brazilian city, São Paulo, but in large and even medium-sized cities in the country. And everything was dramatically aggravated by the Covid-19 pandemic, with the sudden economic slowdown bringing increased unemployment and loss of income for thousands of Brazilians, as well as health problems. It was also during this period

² IPEA: Technical Note: [Estimation of the Homeless Population in Brazil \(2012-2022\)](#) – DISOC No. 103 (2023), p. 11.

³ Ministry of Human Rights and Citizenship: [Homeless Population – Diagnosis Based on Information Available in Administrative Records and Federal Government Systems](#) (2023), Executive Summary.

⁴ Ibid.

⁵ Ibid., p. 21.

⁶ Qualitest: [Homeless Population](#) (2021), p. 19.

that a policy of fiscal austerity ⁷ was implemented, jeopardizing compliance with Article 14 (b) of CEDAW. A report elaborated by the Ministry of Human Rights was accurate in stating that of the 5,568 Brazilian municipalities, 3,354 had a record of people on the streets in December 2022, which gives an average of 1 person living on the street for every 100 thousand inhabitants (this average rises to 3 people in the Federal District, where the seats of the Republic's powers are located).⁸

However, what some researchers have warned was unnoticed by the Brazilian authorities: the profile of the homeless population has changed with the pandemic. It has become more than evident that there is a greater presence of women living in this situation, alone or taking children, children and adolescents with them, the elderly. The Observatory of Public Policies with the Population on the Street (POLOS-UFGM)⁹ noted the increased number of women at this level of absolute misery – and, among them, a significant number of black women.

The Pastoral of the Child and Adolescent, in this context, explains that "[t]he drop in family income, the impossibility of maintaining the family, especially families with children, significantly increases the homeless population, which now has a new profile. These are working people (couples, single women and children) who can no longer pay their rents, go to the streets and stay because they can no longer support themselves."¹⁰

The lack of protection programs and social (re)integration for women who are homeless heads of households, living off the leftovers or having to put their children to beg for money on street corners and in headlights, constitutes a very serious failure of the social protection system in Brazil, which still tends to deal with this problem without taking into account the gender cut. The largest problem is that the lack of assistance for homeless women often affects the children and elderly who surround and follow them, in an even greater damage. The context of extreme poverty and violence is centered on women, who, for the most part, are the foundation of children living on the streets, representing a form of discrimination against women. Their social role is rather stigmatized and they face disproportional burden vis-à-vis men on the streets. Their

⁷ [Constitutional Amendment 95/2016](#), imposing a spending cap and freezing social spending. See [a statement](#) from the UN Rapporteur on Extreme Poverty and Human Rights, Philip Alston: "It is completely inappropriate to freeze only social expenditure and to tie the hands of all future governments for another two decades. If this amendment is adopted, it will place Brazil in a socially retrogressive category, all of its own." (2016).

⁸ Ministry of Human Rights and Citizenship: [Homeless Population – Diagnosis Based on Information Available in Administrative Records and Federal Government Systems](#) (2023), Executive Summary.

⁹ POLOS (UFGM): [Homeless Population: Violations of Rights and \(of\) Data Related to the Application of CadÚnico in Belo Horizonte, Minas Gerais](#) (2021).

¹⁰ Education and Territory: [Pandemic changes the profile of the homeless population and increases the number of women, children, and adolescents](#) (2022).

extremely vulnerable economic and social position also has repercussions on the close and extended family that is subjected to the hardships of living on the street.

Gender-Based Violence against Women in the Street Context	SDGhat 1.4 Target 5.2
CEDAW – Articles 2 (b), (c), (e), (f) and (g); 5 (a). CEDAW – General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19 (1992) (2017) CEDAW – General Recommendation No. 33 – Women's Access to Justice (2015)	

Even with the scarcity of quantitative and qualitative data on the issue, experience reports help to understand the dimension of the problem. In addition to great psychological suffering, many women carry the marks of violence on their bodies. In one of them, according to personal accounts, there are **scars from the sinking of the skull caused by a wooden blow from two men and 18 stitches on the nose resulting from the bite of another man who did not accept a refusal to have sexual intercourse.**¹¹ In another, there are **scars from cigarette burns, stab wounds and abrasions from being dragged on the asphalt by her ex-partner.** These were first-hand observations of the work that the Arns Commission does with homeless women.

The difficulty of **access to justice** for homeless women **who suffer violence** is an **insurmountable obstacle.** One of the women interviewed said that, when she went to a **Women's Police Station** to register an incident of violence, she was told that **nothing could be done, as there would be no way to issue a protective order since she did not have a fixed address.**¹²

As a way to endure or avoid sexual and physical violence, homeless women **resort to drugs to keep themselves in a permanent state of alert or desensitize themselves.** Paradoxically, if men are mostly the abusers, on the street, having a relationship partner is also what guarantees some security: **"The woman who lives on the street needs to choose her rapist, her aggressor, who will defend her from other aggressors and rapists."**¹³

¹¹ Report of a homeless woman, obtained in fieldwork by the Arns Commission team.

¹² Report of a homeless woman, obtained in fieldwork by the Arns Commission team. See CEDAW: General Recommendation No. 33: "With regard to the accessibility of justice systems, the Committee recommends that States Parties: (a) Remove economic barriers to justice by providing legal assistance and ensure that fees for issuing and submitting documents, as well as court costs, are reduced for women on low incomes and waived for women living in poverty" (UN Doc. CEDAW/C/GC/33), Paragraph 17.

¹³ Report of a homeless woman, obtained in fieldwork by the Arns Commission team.

Gender-based violence against women, in the context of General Recommendation 35¹⁴, is aggravated in the context of living on the streets. The above reports corroborate what the few studies have already indicated: although women represent between 13% and 15% of the total homeless population in Brazil, they are the victims of 40% of the serious cases of violence perpetrated against this contingent.¹⁵ It is to be assumed that this percentage reveals a non-negligible degree of underreporting, since **the reporting channels are even more difficult to access for a woman who does not have a fixed address, often has no more documents and who has already lost family ties.**

Women's Health and Women's Sexual and Reproductive Rights Living on the Street	SDG Target 1.4 Target 3.7
CEDAW – Article 12 CEDAW – General Recommendation No. 24: Article 12 of the Convention (Women and Health) (1999) CEDAW: <i>Alyne da Silva Pimentel Teixeira v. Brazil</i> (Communication No. 17/2008)	

In addition to physical and psychological integrity, women living on the streets also have their reproductive rights violated, given that it is recurrent to report that, **when they gave birth, they could not even breastfeed their children.** The **early dismissal of babies** is a common practice carried out in hospitals and often under the guidance of justice agencies, such as the Public Prosecutor's Office, as indicated by an in-depth study by the Luiz Gama Human Rights Clinic¹⁶.

The accumulation of intersectionalities for women on the streets, including trans women, involves the **lack of special attention to comprehensive health**, ignoring the stages and specificities of the reproductive cycle, which includes access to contraceptives, prenatal care and childbirth, breastfeeding, legal abortion care and even menstrual dignity. On the visit of this Arns Commission to Fr. Júlio Lancelotti, vicar of St. Michael the Archangel Parish and head of the Pastoral of the Street People, with an internationally recognized social work, the religious reported the great need of homeless women for access to sanitary pads. **Access that was denied to girls in the**

¹⁴ CEDAW: [General Recommendation No. 35](#) on gender-based violence against women, updating General Recommendation No. 19: "Thus, as women experience varied and intersectional forms of discrimination, which have an aggravating negative impact, the Committee recognizes that gender-based violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed." Doc. UN CEDAW/C/GC/35, Paragraph 12.

¹⁵ G1/School of Economics and Administration of the University of São Paulo (FEA-USP): [A minority in the homeless population, women were victims in 51% of cases of violence against homeless people in Brazil](#) (2019).

¹⁶ Luis Gama Institute: [Early Childhood and Maternity on the Streets of São Paulo](#) (2018), p. 47.

public school system, by order of former President Jair Bolsonaro, who also did nothing for the homeless population in his government.

Lack of Consistent Data and Gender Perspective in Public Policies on the Homeless Population	SDG Target 5.c
CEDAW – Articles 2 (b), (c), (e), (f) and (g); 5(a). CEDAW - General Recommendation No. 28 on the fundamental obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women CEDAW - General Recommendation No. 9: Statistical data on the situation of women (1989)	

Throughout this report, it has been seen that there is a lack of consistent, encompassing and effective data for the Brazilian State to have a diagnosis of the situation of women living on the streets in Brazil. **The present data is sparse, fragmented, and punctual, in contrast to the great capacity of government agencies to generate disaggregated data.** Without the collection, compilation, interpretation and analysis of quantitative and qualitative data, this growing social sector will remain invisibility of the State's public policies.

Moreover, in view of evidence of a very serious human rights problem such as the one outlined here, **it is unacceptable that public policy instruments that address this segment of the population be scarce or omit the impact on women's lives.** In the context of the Executive Branch, Decree No. 7053 of 2009, which institutes a policy for this population, does not contain any indication of concrete actions designed for women in this context, apart from fragmented and sparse mentions of the term gender.¹⁷

In the context of the Judiciary, the gap is also present. In ADPF 976 action, submitted to the Supreme Court by two political parties and a movement of people living on the street, as well as in the decision of the Judge Rapporteur, there is a lack of recommendations that address women who menstruate on the sidewalk, who are raped in the middle of the night, who try to breastfeed their malnourished child and face serious health risks.¹⁸ Omissions on the part of the powers that be in this regard are recurrent. Although the Supreme Court's decision validated the thesis of an "unconstitutional state of affairs, concerning the inhumane conditions of the homeless

¹⁷ Presidency of the Republic: [Decree No. 7053 of December 23, 2009](#) - Establishes the National Policy for the Homeless Population and its Intersectoral Committee for Follow-up and Monitoring, and provides other measures.

¹⁸ Federal Supreme Court: [Precautionary Measure in the Allegation of Non-Compliance with Fundamental Precept 976 – Federal District](#) (2023).

population in Brazil", and has called for emergency actions by municipal, state and federal governments, there is still a lack of proper characterization of the problem and the responsibility of the authorities in the face of a framework of complete denial of rights.

Suggested Recommendations:

- Conduct an effective national census of the population living on the street, with data disaggregated into gender and race, with a methodology tested and applied by the Brazilian Institute of Geography and Statistics (IBGE);
- Review the instruments and policies within the competence of the Federal Executive on people on the streets, including a gender perspective;
- Develop an action plan, through the Ministry of Health, aimed at the comprehensive health of women and the LGBTQIA+ population living on the streets, reaching their children and dependents;
- Develop a plan for access to justice for women living on the streets, taking into account official fees and litigation costs and ensuring that the lack of a fixed address is not an impediment to the right of redress;
- Review the policy prepared by the Ministry of Human Rights and Citizenship of 2022, deepening the diagnosis of the situation and violence suffered by women living on the streets;
- Develop of a campaign, through the Ministry of Women, to raise awareness for women who are homeless heads of household without social protection, targets of intersectional discrimination, in consultation with movements of the homeless population, civil society and the academic community;
- Elaborate, through the National Council of Justice, a recommendation that includes the gender perspective in cases related to the homeless population, as a form of reparation for rights violated, individually and collectively, in view of the historical negligence of the State.