EVENT REPORT

II Human Dignity Seminar

Access to Justice - Overcoming Barriers and Promoting Equality

December 9 and 10, 2024

Brasília-DF

JUSTIÇA PLURAL
DIREITOS HUMANOS EM FOCO

PNUD

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FOREWORD

The Judiciary and its institutions play a central role in the socioeconomic development of a country, promoting a stable legal framework and a favorable set of rules. Legal certainty and efficient, transparent access to justice are fundamental to achieving development goals and the objectives of the 2030 Agenda in Latin America and the Caribbean.

Expanding this access strengthens the Rule of Law and drives more inclusive growth. Despite the progress made, significant challenges remain that prevent vulnerable populations from having full access to the Brazilian Judiciary.

The II Seminar on Human Dignity provided a space for dialogue dedicated to building practical solutions to ensure that rights can be exercised in the face of contemporary challenges. The event addressed crucial issues related to access to justice, including the use of digital tools and the role of artificial intelligence.

Held by the National Council of Justice (CNJ), in partnership with the United Nations Development Programme (UNDP), the Seminar reinforces the Brazilian Judiciary's commitment to promoting human rights and building a more just and inclusive society.

The initiative is part of the Plural Justice program, a partnership between UNDP and CNJ established in 2024. All ongoing activities in the program reinforce the commitment of UNDP and CNJ to SDG 16 on peace and good governance, SDG 5 focused on gender equality, and SDG 18, a voluntary initiative by Brazil to place the fight against racism at the center of sustainable development efforts and national priorities.

Building a more accessible and effective justice system benefits the entire society and represents an investment in sustainable development. UNDP reaffirms its commitment to continue supporting access to justice, collaborating to the realization of the II Seminar on Human Dignity: Access to Justice – Overcoming Barriers and Promoting Equality.

Boa leitura!

CLÁUDIO PROVIDAS

Resident Representative of UNDP in Brazil

Brasília, March 2025.

INTRODUCTION

INTRODUCTION

The promotion of human rights is a fundamental commitment of the Justice system. More than guaranteeing formal access to the Judiciary, it is necessary to ensure that all people, regardless of race, gender, religion, origin, or social condition, have their rights recognized, protected and effectively promoted.

With this purpose, the National Council of Justice (CNJ), through the Plural Justice Program, a partnership with the United Nations Development Programme (UNDP), promoted the II Seminar on Human Dignity – Access to Justice: Overcoming Barriers and Promote Equality. The event brought together magistrates, national and international experts, as well as representatives of civil society to discuss concrete paths to confront social injustices and promote fundamental rights.

The Seminar addressed topics such as racial justice, lethal violence against children and adolescents, crimes motivated by LGBTphobia, experiences of hybrid courts and the rights of homeless women. It was also an opportunity to discuss the impacts of the climate crisis from the perspective of environmental racism and the regulatory challenges to protect civil rights in the era of artificial intelligence.

The seminar reinforced the importance of recognizing that judicial impartiality cannot ignore the historical contexts of oppression that still impact socially vulnerable groups. The centrality of human dignity in judicial decision-making requires the recognition of discriminatory biases and the application of laws based on equity.

In Brazil, inequality is a daily reality. Overcoming this reality demands a justice system that goes beyond the letter of the law, acting as an instrument of inclusion, citizenship and social transformation. The II Seminar on Human Dignity reaffirmed this commitment by proposing measures for the Judiciary to become an active agent in promoting equity and the realization of fundamental rights.

Justice LUÍS ROBERTO BARROSO

President of the National Council of Justice

Brasília, February 2025.

OPENING INSTITUTIONAL PANEL

OPENING INSTITUTIONAL PANEL

Justice Luís Roberto Barroso
President of the CNJ

Macaé Maria Evaristo dos Santos
Minister of State for Human Rights and Citizenship

Cláudio Providas
Resident Representative in Brazil
of the United Nations Development Programme (UNDP)

Foto: Divulgação/CNJ

This event aimed to raise awareness, disseminate, and debate with judges, Judiciary staff, legal professionals, and members of civil society about the promotion of human rights, the fight against racism, and the protection of diversity and vulnerabilities in CNJ's policies and programs.

To optimize the participation of the attending authorities, the Institutional Opening Panel was structured jointly with the Keynote Conference, bringing together both Brazilian institutional authorities and international experts in the same space. However, for the purposes of organizing this report, the main findings were systematized separately.

Also noted is the distinguished participation of the National Inspector of Justice, Justice Mauro Campbell Marques, and CNJ Councilor Renata Gil, who composed the opening panel of the Seminar.

Justice Luís Roberto Barroso

President of the CNJ

Justice Luís Roberto Barroso, President of the National Council of Justice (CNJ), opened the Institutional Opening Panel by greeting those present and acknowledging the members of the panel, especially Minister Macaé Maria Evaristo dos Santos, UNDP representative Cláudio Providas, and the CNJ Councilors, represented by the National Inspector of Justice, Justice Mauro Campbell Marques. He also extended greetings to the speakers of the first panel, Sushma Raman, present at the table, and Rosalie Abella, who would participate via videoconference.

Justice Barroso expressed his satisfaction and honor in welcoming everyone to the event. Before proceeding with his presentation, he announced that the floor would be given to the Minister of Human Rights and Citizenship, Macaé Maria Evaristo dos Santos, for an initial intervention.

Speech by the Minister of State for Human Rights and Citizenship,

Macaé Maria Evaristo dos Santos

I thank Justice Barroso for the invitation to join the panel of this important seminar. I would like to greet all UNDP actors in the name of Cláudio Providas, greet Justice Mauro Campbell Marques, and through him also greet all CNJ Councilors, greet our speakers Renata Gil and Sushma Raman, and emphasize the importance of this agenda.

On this Monday, which marks the beginning of such an important week, during which the International Human Rights Day takes place, I want to say that not only I, but also a team from the Ministry of Human Rights will be attending this seminar, because it addresses topics that are very important to us, such as the protection of women's rights, the fight against racism, the defense of LGBTQIA+ rights, the rights of homeless people, climate justice, and the advent of artificial intelligence.

I want to tell Justice Barroso that this morning we were also with members of the National Council of Justice at the First Meeting of Homeless Women. It is the first time we have gathered a group of homeless women in a seminar to speak about their struggles and challenges, from the perspective of a minority population: women make up only 15% of the homeless population, but it is evident that they suffer the most violence. So it is very important to build spaces, and I bring this example to highlight how important the CNJ's actions are and how they have influenced and helped us in building effective public policies to combat human rights violations.

I would also like to highlight the national efforts to issue basic documentation through the "Registre-se" program, a public policy in which our Ministry is a partner, and also the Rogéria form, launched two years ago and which, three months ago, became the instrument of an agreement for a new version of the national application to protect the lives of LGBTQIA+ people in situations of violence, with protocols for unified records across all justice systems and security agencies in every State.

We know that the challenge in our country is still immense, because inequality persists, especially among those segments of the population that were only belatedly recognized, from a normative standpoint, as subjects of rights. Unfortunately, Justice Barroso, we still witness violations of these rights and a tendency to build an environment of hatred that runs counter to a culture of peace and a democratic culture that envisions emancipation and human dignity.

It is also necessary to highlight the escalation of violence by sectors of the Military Police in our country. The appalling case we witnessed last week, in which the police threw a Black man off a bridge in São Paulo, is not an isolated case of police brutality. The isolated fact is that we had access to this news, because, as the song says, "our pain doesn't make the news." When it does, as we saw, it is the exception. Imagine if we could see and follow all the cases that happen daily in silence. That is why I also want to emphasize this morning the importance of advancing and reorienting the training of our security agents before setbacks reach us irreversibly in the near future. We must reconsider what kind of institution we want so that the population no longer fears those who are supposed to protect them.

Having said that, I want once again to reinforce the importance of this space for exchange and the construction of participatory spaces. There are many issues in our country that have been silenced for a long time. So silenced that sometimes we don't even have the vocabulary to articulate them properly. Therefore, spaces like this help us increasingly to bring evidence, but also to educate ourselves in terms of building interpretive frameworks for the difficult problems we face regarding human rights violations in Brazil, and to move forward so that justice and accountability are increasingly achieved, and the violation of life becomes a dead letter in Brazilian society. I thank you once again and congratulate the CNJ for this initiative.

Speech by the Resident Representative in Brazil of the United Nations Development Programme (UNDP),

Cláudio Providas

I greet the Honorable Justice Luís Roberto Barroso, in whose name I extend my greetings to the other members of the National Council of Justice, an institution whose partnership with UNDP has proven essential in implementing innovative projects that promote human and socio-environmental rights within the Judiciary. I greet the Honorable Minister Macaé Evaristo, and in her name I extend greetings to the Federal Government partners who seek to ensure equity in the promotion of rights and access to public services. Recognizing the inequalities that affect structurally vulnerable groups is essential to correcting the distortions that have historically left them on the margins of State action.

I greet the judges, councilors, and Judiciary staff present. In particular, I would like to acknowledge Adriana Cruz and Ms. Karen Luise, as well as all those involved in the Plural Justice Program, a partnership between UNDP and CNJ that promotes this public debate space we are initiating today.

First, I congratulate CNJ's pioneering efforts in systematically seeking to improve the strategies and methods of Brazilian justice, enhancing activities and integrating services and protocols that deepen progress toward the SDGs (Sustainable Development Goals). The Plural Justice Program incorporates the environmental, social, and governance themes of the 2030 Agenda, developing strategies to strengthen the Judiciary's capacity to protect human rights and expand access to justice.

This bold endeavor supports the consolidation of new foundations for the services provided by the Brazilian Judiciary, enhancing its role as a promoter of judicial policies and defender of human rights. This project reinforces CNJ's ongoing commitment to improving its performance and reducing inequalities, which is essential given the Brazilian reality. UNDP is proud to remain a strategic partner in the realization of this initiative.

It is worth highlighting that the Plural Justice project has seven areas of focus, which allow for the development of judicial policies tailored to the needs of each population group; at the same time, it is necessary to act based on their interconnections in the face of the multiple forms of oppression that affect Brazilian citizenship. In other words, it is not possible to address the rights of the homeless population without considering gender issues within that group, just as it is not possible to understand socio-environmental issues without racial perspectives. Especially in the year when the 2030 Agenda formalizes the inclusion of Sustainable Development Goal 18 in promoting ethnic and racial equality, we are proud of this intersectional configuration in our joint efforts.

This effort, which involves multiple instances within CNJ – councilors, staff, judges, and the project team – has already shown concrete results in its first year of operation and continues to seek increasingly promising outcomes. I therefore celebrate the tireless work in implementing this highly committed and engaged project and enthusiastically reaffirm our commitment to strengthening this joint agenda.

I conclude my remarks by highlighting that our joint work reflects the shared values of UNDP and CNJ in reducing inequalities and strengthening democracy, materializing the aspiration for a more accessible, modern justice system centered on the needs of Brazilian citizens.

The theme of democracy is very dear to some of us who have worked in various countries in the region, and what I find and highlight in CNJ's initiative are the tools. There are many recent constitutional texts in the region, 10 or 15 years old, many new laws, but they lack the tools to ensure that these rights are effective; and CNJ, through its initiatives, is ensuring that these projects become effective and remain so. Congratulations, and I wish a good seminar to all. Thank you very much.

OPENING KEYNOTE CONFERENCE

OPENING
KEYNOTE CONFERENCE

Access to Justice and Human Rights: Current State of Access to Justice and the Global Movement

Sushma Raman
Social Change Strategist (USA)

Rosalie Silberman Abella
Retired Justice of the Supreme Court of Canada,
Professor at Harvard University (Canada)

Renata Gil
CNJ Councilor

Justice Luís Roberto Barroso
President of the CNJ

Foto: Divulgação/CNJ

Speech by the President of the National Council of Justice,

Justice Luís Roberto Barroso

At the Federal Supreme Court and the National Council of Justice, we have worked over the years, especially during my tenure, to implement a human rights agenda, advancing human rights broadly for all vulnerable groups and addressing issues that concern democratic societies today. I would therefore like to highlight some of the policies we have adopted and decisions that have been issued.

Regarding women, I would like to emphasize an important Resolution approved here at the National Council of Justice on the last day of Minister Rosa Weber's term, already with my personal support, and later with my support for its implementation. This Resolution establishes gender parity in promotions to courts of justice, regional federal courts, and labor courts. For those unfamiliar, the Resolution stipulates that if a man was previously promoted to an appellate court, the next vacancy must necessarily be filled by a woman.

This rule was established based on the following observation: women make up about 40% of first-instance judges in Brazil, where access is through public examination and therefore based on merit. But when we look at the composition of the courts, women represent less than 20%. In some states, there are only one or two women. Thus, it was established that until courts reach at least 40% female composition, promotions must be at least alternated – but not necessarily so; that is, it is possible to promote a woman and then another woman. What is not allowed is to promote two men in succession. This was the rule we adopted here at the CNJ to advance the gender parity agenda, which we consider especially important.

Regarding another vulnerable group – Afro-descendants – we also adopted an important public policy here at the National Council of Justice to increase the number of Black individuals in the Brazilian Judiciary. I travel across Brazil, and in every state I visited, the Judiciary is almost exclusively white. Therefore, it does not reflect the demographics of Brazilian society, where about 15% of people identify as Black and around 30% or more identify as mixed-race, meaning people of mixed heritage. The Judiciary does not resemble the demographic makeup of Brazilian society.

For this reason, we adopted the following public policy here at the CNJ: we created the National Judiciary Exam, a general exam coordinated by the CNJ and the Judicial Training School in Brasília, which serves as a prerequisite for becoming a judge. All courts remain responsible for recruitment and their own exams, but to register for state court exams, regional court exams, federal courts, and labor courts, candidates must first pass the national exam.

This is an important moralizing measure. What we did was take the top 1,000 candidates from the National Exam and secure scholarships – we've already secured 750 and are still working to obtain more preparatory scholarships for judicial exams for Black candidates among the top 1,000. We obtained private sector funding and are providing a R$3,000 scholarship to the top 100 candidates who identify or were identified as Black, to make them more competitive in state, federal, and labor court exams. We expect this policy to increase the presence of Afro-descendants in the Brazilian Judiciary.

Regarding the LGBTQIA+ community, we have important decisions from the Federal Supreme Court that equated same-sex unions to conventional steady unions. By decision of the CNJ, same-sex marriage was also permitted. This was a very important advancement for Brazilian society. I tried to convince more conservative individuals that this was a sound public policy. I would say: if we all believe that marriage is a good thing for many reasons, why would we exclude a group of people who wish to marry from this possibility? And I believe that today – although there was much weeping and gnashing of teeth at first – this view is now consolidated in Brazilian society, except perhaps in some more radical niches.

We have also pursued an important policy of indigenous land regularization, both here at the CNJ and through decisions of the Federal Supreme Court. This is a difficult agenda because it often faces misunderstanding from society at large, which struggles to understand why a quantitatively small group, such as indigenous communities, should have rights to large tracts of land. Clearly, not only because they were here before the currently dominant civilization, but also because their culture involves the use of broader land areas. I believe it is perfectly possible to reconcile the legitimate interests of indigenous ancestral lands with the interests of social progress, which is progress for all of us. Therefore, it takes understanding, good faith, and goodwill to advance this important agenda of indigenous land demarcation – especially in this moment of concern about climate change, global warming, and environmental preservation. One rule that experience has shown is that demarcated indigenous lands are, generally speaking, the most environmentally protected lands in the country.

We have also sought to support and provide accessibility for people with disabilities, both here at the CNJ and at the Federal Supreme Court, with decisions aimed at inclusive access to education in general. And regarding perhaps the most discriminated minorities – trans minorities – we also have important decisions concerning the right to gender reassignment surgery in the public health system and the possibility of adopting a chosen social name in civil registration.

Finally, we have an important decision from the Federal Supreme Court and a regulation issued by the CNJ regarding the prison system. The Supreme Court recognized the unconstitutional state of affairs in the Brazilian prison system and ordered the Government to develop a plan to address this unconstitutional situation. The plan was developed in partnership with the CNJ and is currently

before the Supreme Court for approval. I hope to have it approved before the end of this year. It's a bit tight due to the judgment of the digital platforms issue, but if it's not possible, we will bring it to the plenary at the first opportunity next year.

Regarding climate change, which is the last topic I would like to address, we at the Federal Supreme Court have also taken important measures against deforestation, against wildfires, for the restructuring of the agency responsible for protecting Indigenous communities, Funai, and for the environmental oversight bodies, Ibama and ICMBio.

Therefore, we have sought, within the Brazilian Judiciary, to implement a general human rights agenda, and I must mention the defense of democracy, which has been a special effort we've undertaken in recent years, sometimes in an atypical role, but one that has proven essential in investigating extremist groups and working to dismantle them. Let me emphasize that democracy has room for conservatives, liberals, and progressives, it has room for everyone, except for those whose political project is the destruction of democratic institutions.

Often subject to great misunderstanding, I believe the Supreme Court played an indispensable role in democratic resistance. Unfortunately, according to news reports and investigations, we discovered that we were closer than we imagined to the unimaginable in Brazil, with high-level coordination of a coup d'état aimed at disregarding the election results. And if someone says, "No, but it was a state of siege within the constitutional framework," please, losing an election is not a valid reason to declare a state of siege. A coup is a coup. In truth, the coup to prevent the inauguration of the elected President of the Republic fortunately did not happen, but institutional coups were repeated over the years through attacks on the Supreme Federal Court, the Judiciary, the press, and all institutions that became victims of an artificially created crisis of credibility.

It is sad what happened in Brazil in terms of aggression and violence, but we are making every possible effort to restore civility. And I can offer a personal testimony about recovering civility: in 2014, I attended the World Cup final in Rio de Janeiro – my wife, my two children, and I went alone, without any protection, without any security. There was no such risk. In 2016, we attended the beautiful opening ceremony of the Rio Olympics – Justice Teori, myself, and my youngest son – again, without any security.

Today, something very strange and very ugly has happened in Brazil: none of us can walk the streets without security, because a type of intolerance and aggression has emerged that never existed in Brazil. It culminated in an attempt by a deranged individual to enter the plenary of the Supreme Federal Court, incited by a campaign, carrying bombs on his body in a terrorist act unprecedented in Brazilian history. Therefore, we must not erase this chapter of history, so that we do not forget it, but we must turn the page and return to being what we have always been: a warm-hearted people, a tolerant people, a country that has room for all religions, all races, and all political views compatible with democracy.

It is my great pleasure to open this seminar by giving the floor to two people who are especially dear to me and committed human rights advocates. Present here with us is Professor Sushma Raman, who until recently was the Executive Director at the Kennedy School, a prominent school of government in the United States, at the Carter Center for Human Rights Policy – the human rights policy arm of Harvard's Kennedy School. The Center focuses on human rights protection, public policy, academic production, and scholarships in the field of human rights. Sushma has been a social change agent in various non-governmental organizations, always committed to advancing human dignity and the civilizing process. It is a pleasure and a joy to have you here with us.

Unfortunately, Professor Rose Abella could not be here in person. Rose is a retired Justice of the Supreme Court of Canada and was the first Jewish woman to serve on Canada's Supreme Court – one of the brightest minds in the world, in the global judiciary. She participates, as do I, in an annual meeting of Supreme Court judges organized by Yale University, and she is one of the stars of the event. Her jurisprudential work includes important decisions on human rights and the protection of various vulnerable groups.

It is a privilege and a stroke of luck for all of us to have these two extraordinary women participating in the opening of this seminar. Rose cannot see it, but we have several hundred people in the audience and just over 1,000 people watching us on YouTube. This is a very special moment for the National Council of Justice, and it is a personal pleasure and joy to have both here with us.

Sushma Raman

Social Change Strategist (USA)

Professor Sushma Raman began her speech by thanking the organizers for the invitation to participate in the seminar and emphasizing the importance of the theme of human rights and human dignity. She referenced a quote by U.S. First Lady Eleanor Roosevelt, in which Roosevelt highlighted that human rights manifest on a small scale, in schools, communities, and workplaces. These are the places where each person seeks justice, equal opportunities, and dignity, without discrimination.

Professor Raman continued her presentation by sharing that many countries face challenges due to technological advances, socioeconomic inequalities, and climate change. These issues disproportionately impact vulnerable groups, including Black and Indigenous communities, migrants, refugees, and LGBTQIA+ individuals. Income inequality is especially prevalent in Latin America and Africa; she illustrated that in these regions, the richest 1% of the population holds proportionally more wealth than the remaining 95%.

Regarding climate change, it is projected that by 2030, millions of people will be displaced due to droughts, floods, wildfires, and other environmental disasters – surpassing the number of displaced persons during World War II. The impacts of these events are exacerbated by failures in public institutions, corruption, and inequality.

On technological advances, Raman emphasized the dual nature of artificial intelligence (AI) tools: while they promote greater connectivity and new forms of communication, they can also erode privacy rights, shrink civic spaces, and foster authoritarianism and misinformation. In Brazil, technologies such as facial recognition may operate with little transparency and accountability. In other countries, algorithmic automation in public services has reinforced biases and stereotypes against vulnerable groups. She cited a test involving AI-generated images for high-income jobs, which predominantly showed white individuals, while image searches for criminals generated images of Black individuals. In light of this, she stressed the need for public institutions to ensure that AI becomes a force for engagement and human progress. ´

Despite the challenges she mentioned, Professor Sushma reaffirmed the enduring nature of human dignity and human rights. She cited the case of a woman enslaved in Ghana named Belinda, who in the 18th century filed a petition in a U.S. court seeking reparations for her enslavement. Today, similar demands for historical reparations are part of the agenda of various social movements, alongside anti-colonial efforts and advocacy for the inclusion of women, LGBTQIA+ individuals, and people with disabilities in the labor market, politics, and other spaces. In these cases, historical reparations serve as a bridge between expectations of what human rights should be and their realization in the daily lives of vulnerable people.

Other important mechanisms for realizing rights mentioned by the professor included anti-corruption movements, equitable tax policies, campaigns for greater transparency and fiscal oversight of public institutions, efforts to combat drug and human trafficking networks, and the pursuit of algorithmic justice – that is, confronting the biases embedded in AI tools through metadata compilation on race, gender, sexual orientation, behavior, location, facial recognition, and other attributes that impose additional barriers on vulnerable groups.

Professor Raman concluded her speech by quoting Martin Luther King Jr.: **“All life is interrelated. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”.**

Justice Luís Roberto Barroso

President of the CNJ

Justice Luís Roberto Barroso expressed his admiration for the variety of topics addressed by Professor Sushma Raman in under 30 minutes. Among the issues discussed, he highlighted poverty, climate change, racial discrimination, colonialism, the misuse of artificial intelligence, democratic backsliding, tax justice, corruption, and the risks of misinformation.

He then referred to Professor Rosalie Abella as one of the most renowned scholars in the field of human rights today, praising her exceptional career and expressing the privilege of having her as a friend, as well as recognizing her remarkable character. He concluded his remarks by passing the floor to Professor Rosalie Abella, reaffirming her invaluable contribution to the debate.

Rosalie Silberman Abella

Retired Justice of the Supreme Court of Canada, Professor at Harvard University (Canada)

Professor Rosalie Abella began her presentation by apologizing for not being able to attend the seminar in person due to logistical constraints and praised CNJ's initiative in sponsoring the event.

She shared personal experiences from her childhood, shaped by a belief in justice and human rights. However, as she grew older, she witnessed attempts to dismantle those principles, illustrated by the analogy of the Red Queen from Alice in Wonderland, who declares that the law is whatever she says it is. Professor Abella noted that there seems to be no longer a consensus on what justice, democracy, or law truly mean, as more radical political positions have gained traction among the public. This shift negatively affects minorities, such as women and refugees.

Abella argued that this state of affairs emerged because "we tolerated the intolerant" – that is, we relinquished responsibilities in the name of political pragmatism. She emphasized the impact of World War II and concentration camps in prompting the creation of institutions such as the United Nations, the Genocide Convention, and the Universal Declaration of Human Rights. She shared her personal connection to these events: her parents spent years in concentration camps, and after the war, her father was hired by the United States to help draft regulations for the Allied countries. She was born during the Nuremberg Trials, and that context sparked her passion for justice and Law.

She continued by expressing a sense of sadness, noting that although the Nuremberg Trials criminally condemned those involved in the Holocaust, they failed to stablish

a lasting commitment to justice. She cited examples of political persecution in the decades following the war and, today, serious human rights violations that are justified through arguments like cultural relativism.

In light of this, Professor Abella emphasized that international organizations such as the UN must recommit to their original goals: protecting populations from war, safeguarding human rights, promoting justice, and advancing progress. Regarding legal professionals, she underscored their role in promoting dignity, justice, and a commitment to democracy. She concluded her remarks by sharing her personal journey, from a family persecuted during the war to becoming the first Jewish woman to serve on the Supreme Court of Canada, highlighting the transformative power of law and justice.

Justice Luís Roberto Barroso

President of the CNJ

Justice Luís Roberto Barroso expressed his gratitude to Professor and Justice Rosalie Abella for her profound and moving presentation, which transcended an academic speech and resembled a personal testimony, reflecting the lived experience and impact of one of the most severe human rights violations in history. He thanked her for sharing her journey and highlighted the emotional response her words evoked among those present.

He then informed the audience that he would need to leave for an appointment at the Federal Supreme Court regarding the judicialization of healthcare, transferring the presidency of the session to Justice Mauro Campbell Marques. Before doing so, he gave the floor to Councilor Renata Gil, who would moderate the debate.

Justice Barroso praised Councilor Renata Gil's work at the National Council of Justice (CNJ), recognizing her commitment to various human rights agendas, including combating violence against women, protecting children and adolescents, addressing sexual violence, and advancing land regularization. He jokingly remarked on her dedication to multiple causes simultaneously, highlighting her tireless advocacy and how CNJ is proud of her.

Renata Gil

CNJ Councilor

Councilor Renata Gil began moderating the panel by citing several ongoing CNJ initiatives aimed at guaranteeing human rights for vulnerable populations, such as land regularization and support for refugees, especially women refugees. She then asked the speakers for their impressions regarding the situation of refugees in active conflict zones, such as Syria.

Sushma Raman

Social Change Strategist (USA)

Professor Sushma noted that the lack of infrastructure in war-torn countries makes it difficult for refugees to return to their countries of origin. Internal displacement to areas not directly affected by conflict is also common. She added that it is important to consider the growing number of climate refugees – people displaced by environmental disasters.

Rosalie Silberman Abella

Retired Justice of the Supreme Court of Canada, Professor at Harvard University (Canada)

Professor Rosalie Abella reinforced the complexity of the issue and observed that many countries receiving refugees also lack adequate support structures.

Justice Mauro Campbell Marques

National Inspector of Justice

Justice Mauro Campbell Marques echoed Professor Rosalie Abella's argument that tolerance by international organizations and society at large toward violations of fundamental rights hinders the resumption of dialogue and the search for solutions. He emphasized that government institutions must remain committed to guaranteeing human rights. Justice Mauro Campbell Marques then closed the panel by thanking all participants.

PANEL 1

Memory as a Tool for Racial Justice

PANEL 1

Memory as a Tool for Racial Justice

Felipe Freitas
Secretary of Justice and Human Rights of Bahia

Ana Flávia Magalhães
Director-General of the National Archives

Moderator
Ismália Afonso
UNDP

Foto: Divulgação/CNJ

Moderator

Ismália Afonso

UNDP

UNDP Gender and Race Analyst, Dr. Ismália Afonso, opened the panel by greeting the audience and emphasizing the relevance of the topic for building truly democratic justice. She highlighted the presence of two of Brazil's leading Black intellectuals, who have dedicated their careers as researchers, activists, and public administrators to building a racially just society.

She contextualized the recent creation of the CNJ's Working Group on the Memory of Slavery and Freedom, established by Ordinance No. 337 in October 2024. She noted that this initiative aligns with institutional advances in recent decades – from the Caó Law to the Racial Equality Statute – demonstrating a continuous process of transformation anchored in memory.

According to her, memory permeates not only social history and individual lives but also institutions. In a country structured by the exploitation of Black men and women, the right to memory also bears the marks of racism, and its recognition is essential for transforming power structures – especially within the judiciary.

Felipe Freitas

Secretary of Justice and Human Rights of the State of Bahia

Felipe Freitas, Secretary of Justice and Human Rights of Bahia, began his presentation by greeting the audience and those attending the event virtually. He emphasized the importance of the initiative promoted by the National Council of Justice (CNJ), highlighting its disruptive, educational, and essential nature – especially for bringing together diverse actors to reflect on a fundamental issue for Brazilian justice.

Felipe Freitas paid tribute to Professor Ana Flávia Magalhães, whom he referred to as one of the greatest intellectuals of the current generation, recognizing her contribution to Brazilian historiography, particularly in recovering post-abolition memories and Black struggles that have shaped contemporary society. He also expressed the honor of sharing the space with her, with whom he has long shared political positions and struggles.

The panelist structured his presentation around the question: how can memory – understood as a reflection on the history of justice in Brazil – contribute to fairer rulings in the face of the violence and inequality that mark Brazilian society? To elaborate on this question, he presented two central premises:

1. Brazil is a violent and unequal country, and this is the main barrier to national development and social inclusion on the global stage. Violence and inequality are the greatest obstacles to progress, preventing the country's wealth from being shared equitably.
2. Racism is the structural factor that defines and perpetuates violence and inequality in Brazilian society. It operates simultaneously as a material and symbolic barrier to social mobility and a dignified life for Black people, as well as a mechanism for destroying reputations and manufacturing privileges for non-Black individuals. It is a racial model of intergenerational transmission of advantages which, alongside systematic violence against the Black population and power pacts favoring a hegemonic racial group, forms the foundation of debates on citizenship, power, emancipation, and resistance in Brazil.

By highlighting these premises, Felipe Freitas argued that memory can contribute to overcoming this reality and to building new horizons of justice and emancipation.

The panelist proposed three dimensions through which memory can act in combating racism within institutions, society, and the construction of justice.

1.
Reframing the notions of rights, advantages, and privileges

Felipe Freitas argued that inequality in Brazil was racially constructed, distorting the notion of rights to the point where it oscillates between the concepts of benefits and privilege. In a racist society, doing justice necessarily means correcting racial inequalities, because the meaning of "rights" varies depending on the racial identity of the person claiming them.

While the white population enjoys rights as something natural and legitimate, the rights of the Black population are often treated as favors, concessions, or occasional benefits. This logic hinders the construction of a collective sense of justice and reinforces a system in which privileges are normalized and overlooked as part of the problem.

The panelist illustrated this issue by comparing the trajectory of a white man who attains a position in the judiciary – seen as legitimate and the result of merit – with the recurring academic failure of a young Black student, often justified by an alleged lack of interest or aptitude. According to him, memory allows us to recover the historical conditions that shape these trajectories, promoting a more complex view of merit, inequality, and justice.

2.
Social immunity to Black suffering

Felipe Freitas emphasized that Brazilian society has developed an immunity to Black suffering, which enables the normalization of violence and social exclusion of this population. This insensitivity is reinforced by the excessive volume of images of Black people being victims of aggression, beatings, and brutal executions, shown daily in news reports and on social media without generating the necessary outrage for structural change.

The panelist argued that if society were not immune to horror, the daily exposure to such images would provoke disruptive reactions, forcing political and institutional change. However, the dehumanization of Black pain allows this scenario to be accepted as part of reality, without direct connections being made between racism and violence.

For the justice system, this immunity to Black suffering directly affects the impartiality of judicial decisions. Judges, regardless of their racial identity, operate within a system where violence against Black bodies is structurally normalized, influencing rulings in criminal, labor, and human rights cases. The panelist posed the question: how does a judge, who is also a parent of a Black youth, interpret cases of police violence, knowing that this reality systematically affects Black boys?

According to him, memory can be a tool to denaturalize Black suffering and enable justice to be applied equitably and with awareness of the racial dynamics that shape society.

3.
Racism as a power structure and the reframing of Black presence

Felipe Freitas emphasized that racism is not merely an individual or moral issue, but a power structure that shapes social and institutional relations in Brazil. Confronting racism, therefore, is not limited to Black individuals occupying positions of power, but it requires reframing those presences to produce substantive transformations.

In this sense, memory plays a fundamental role by bringing into the debate historical Black figures who confronted and challenged racist structures, such as Esperança Garcia and Luiz Gama. Incorporating these figures into legal and institutional discourse is essential to unlocking political imagination and affirming that racial issues must be central to the very definition of justice.

The panelist concluded his presentation by stating that memory is the key to deconstructing racial privileges and reformulating justice institutions. He argued that a commitment to impartiality and equity requires public and institutional mechanisms that actively challenge racial bias in judicial decisions.

Felipe Freitas reiterated the importance of a continuous and structured debate on the impact of racism in justice, so that history and memory are used as instruments of transformation – not merely as records. He emphasized that this journey will be challenging and politically contested, but essential to ensure that justice fulfills its role in promoting equality and freedom for all people.

Ana Flávia Magalhães

Director General of the National Archives

Professor Ana Flávia Magalhães Pinto began her speech by greeting the audience and, before continuing with her presentation, gave her self-description, highlighting the importance of this practice for the inclusion of people with visual impairments. She identified herself as a Black woman, considering herself middle-aged, with short, curly, dark brown hair. She mentioned wearing a dark yellow blouse with cowrie shell details and beige and white embroidery, silver and cowrie shell accessories, and red lipstick.

She then expressed her gratitude for the opportunity to participate in the event, highlighting her admiration for several people attending it, including Judges Adriana Cruz and Karen Luiz, as well as Felipe Freitas and Ismália Afonso, with whom she shares similar values and commitments. She emphasized that although they follow different paths, they all meet not only in the trenches of struggle but also in spaces of celebration of life. According to her, this dimension is essential for Black people born in the outskirts of Brazil's major metropolitan regions, as it shows that despite historical projects of destruction and genocide, Black resistance is sustained through life technologies.

Introducing the theme of memory, the professor argued that its relevance can be understood through what is established in the 1988 Federal Constitution, specifically in Article 216, which defines Brazilian cultural heritage and the State's responsibility for its preservation. This provision recognizes material and immaterial assets that represent the identity, memory, and actions of the groups that make up Brazilian society.

She stated that these promises of recognition have been made and reaffirmed throughout the country's history, but have not always been fulfilled. As an example, she highlighted the National Education Policy, established by the Law of Guidelines and Bases (Law 9.394/1996), which incorporated the principle of diversity as a social right. However, she pointed out that despite this legal recognition, it took a long

period of struggle for Law 10.639 to be approved in 2003, making the teaching of African and Afro-Brazilian History and Culture mandatory. Later, in 2008, Law 11.645 was enacted, extending this requirement to Indigenous History and Culture.

The professor explained that although these policies are important, their implementation faces significant obstacles. This challenge is also reflected in the National Cultural Policy, which recognizes specific sectors but still grapples with disputes over memory as a right and a collective heritage. Additionally, she highlighted another often-overlooked policy: the National Archives Policy, established by Law 8.159/1991, which guarantees the right to memory and access to information for all Brazilian citizens.

The professor emphasized that the establishment of the National Archives Policy also led to the creation of the National Archives Council (CONARQ), which for over 30 years has included representatives from the Judiciary. She noted that these policies – education, culture, archives, and the Executive, Legislative, and Judicial branches – should not be viewed in isolation, as they are interconnected and face a common challenge.

To illustrate this point, the professor cited the 2019 theme song from Mangueira samba school, with the verse "Brazil, my dear, let me tell you the story that history doesn't tell," which expresses the historical pain and trauma of a country that has silenced fundamental narratives. According to her, these stories exist only because they were passed down by previous generations – but not in the way they should have been, as they face barriers imposed by a racist memory matrix.

Addressing this memory matrix, she asked: why are historical references so limited when it comes to the individual and collective trajectories of the Black population? She pointed out that although structural racism has become a widely accepted concept, its materialization occurs through the monumentalization of racism. This phenomenon can be seen, for example, in the persistent defense of the myth of racial democracy in a country that enslaved more Africans and their descendants than any other in the Americas.

To her, racism has become a form of heritage, sustained by institutional mechanisms. As an example, she mentioned that the 1824 Constitution chose to leave freed Africans stateless and restricted citizenship rights to Brazilians who had been enslaved, without any questioning of the impact of this decision on the free Black population.

The professor also explained the trajectory of the Black press in Brazil, which since the 19th century has denounced the marginalization of Black freedom. However, she questioned the historical erasure of these voices, citing the example of the document burning ordered by Rui Barbosa in 1889. According to her, although this act did not completely erase the possibility of studying the history of free and freed Black people, Brazil has not adequately addressed this issue.

Discussing the importance of archives in preserving memory, she warned that the International Council on Archives, created by the United Nations over 75 years ago, established the theme for the 2024 International Archives Week as "Archives for All." The initiative aims to expand the debate on who has the right to document preservation and which stories are legitimized by official archives.

She noted that while there are discussions about decolonizing museums and academic production, the same level of debate does not occur regarding historical archives, which continue to reproduce an exclusionary matrix. For the professor, it is not enough to revise school curricula or implement affirmative action policies if there is no deep questioning of which documents are considered legitimate and which individuals have the right to historical record. She advocated for an agenda of monumentalization and patrimonialization of anti-racism, arguing that as long as racism exists, democracy cannot.

The professor concluded her presentation by emphasizing that memory is not limited to the past – it is a living heritage that influences how justice is administered, and decisions are made. She argued that the Judiciary must implicate itself in the problem of racism – not through guilt, but through institutional responsibility. She stated that the Judiciary cannot believe that goodwill or reading key authors alone will be enough to ensure fairer rulings.

She ended by stressing that racism prevents access to dignity and to the very notion of humanity, making it essential to formulate structural policies to overcome this reality.

Moderator
Ismália Afonso
PNUD

Moderator Ismália Afonso, representative of the United Nations Development Programme (UNDP), once again thanked panelists Felipe Freitas and Ana Flávia Magalhães Pinto for their participation. Due to time constraints, she announced that there would be no space for questions but emphasized that the debate had been an extremely relevant intellectual and political contribution.

Given the depth of the discussions, she suggested that the audience consult the panelists' bibliographies to further explore the topics addressed. She mentioned that Felipe Freitas had noted his speech was built upon various reflections he had previously developed in essays, while Ana Flávia Magalhães could recommend some of her publications.

Professor Ana Flávia suggested the article “Fazedoras de Memórias Negras” (“Makers of Black Memories”), published by Casa Sueli Carneiro, highlighting that it aims at denaturalizing historical perspectives. She noted that the publication is available for download on the Casa Sueli Carneiro website, a community archive that has played a fundamental role in transforming the National Archives Policy alongside other initiatives.

The publication “Fazedoras de Memórias Negras” brings together texts by various authors, including Alex Hatis, Ana Flávia Magalhães, Cid Moura, Fabiana Cosa, Gabriel Jos Ardo Ferreira dos Santos, and Etig Santana, and provides resources for anchoring Black memory.

Felipe Freitas also recommended reading the thesis and book Escritos de Liberdade (“Writings of Freedom”) by Ana Flávia Magalhães Pinto, emphasizing that they denaturalize legal trajectories in Brazil and addresses Black political thought and literature in the post-abolition period. He mentioned that in a discussion group prior to the event, he had commented that this reading should be mandatory – especially for those who studied at the Law School of Largo de São Francisco (USP), one of the country’s leading legal education institutions. According to him, the work significantly expanded legal knowledge and reflection on structural inequalities in Brazilian society.

Finally, moderator Ismália Afonso thanked the panelists once again for their contributions to the debate, emphasizing the importance of continuing to deepen these discussions to build a more equitable justice system committed to memory and the rights of the Black population in Brazil.

PANEL 2

Confronting Lethal Violence Against Children and Adolescents

PANEL 2

Confronting Lethal Violence Against Children and Adolescents

Denise Avelino
National Coordinator of the Protection Program for Children and Adolescents Threatened with Death – PPCAAM (Brazil)

Rutian Pataxó
First Deputy Ombudsperson of the Citizen Ombudsman Office of the Public Defender's Office of Bahia

Wallace Corbo
Lawyer and Professor at UERJ

Moderator
Karen Luise Vilanova Batista de Souza
Auxiliary Judge to the Presidency of the CNJ

Foto: Divulgação/CNJ

Moderator

Karen Luise Vilanova Batista de Souza

Auxiliary Judge to the Presidency of the CNJ

Auxiliary Judge to the Presidency of the CNJ, Karen Luise Vilanova Batista de Souza, opened the proceedings of this panel, which addresses one of the most urgent and challenging issues of our time: Confronting Lethal Violence Against Children and Adolescents. In her remarks, she greeted the distinguished panelists, emphasizing that their expertise and dedication enrich this essential debate.

The moderator highlighted that lethal violence against children and adolescents represents one of the most devastating faces of social and racial inequality in Brazil. She noted that this phenomenon has been the subject of in-depth studies conducted by various institutions, such as the Brazilian Public Security Forum (FBSP) and UNICEF. Since the publication of the first edition of the Panorama of Lethal and Sexual Violence Against Children and Adolescents in Brazil in 2021, these institutions have been committed to revealing the extent of this serious issue. In the most recent edition, covering the years 2021, 2022, and 2023, the data presented are alarming and reinforce the need for coordinated and effective responses.

According to the report, between 2021 and 2023, there were 15,101 intentional violent deaths (IVD) among children and adolescents aged 0 to 19. These records include intentional homicides, femicides, robberies resulting in death, bodily injuries followed by death, and deaths resulting from police interventions – comprising the most comprehensive indicator for analyzing lethal violence in Brazil. The numbers show 4,803 deaths in 2021, 5,354 in 2022, and 4,944 in 2023, evidencing the persistence of a scenario of extreme vulnerability.

The data also reveal that 91.6% of victims were between 15 and 19 years old, with 90% being boys and 82.9% Black. The racial marker emerges as a determining factor in the dynamics of these deaths, with an impact that surpasses even gender-related issues. In 2023, the mortality rate among Black boys aged 0 to 19 was 18.2 per 100,000 inhabitants, while for white boys in the same age group, it was 4.1 per 100,000 – indicating that a Black adolescent is 4.4 times more likely to be murdered than a white adolescent.

Between 2021 and 2023, at least 9,328 black children and adolescents were victims of homicide in Brazil. The moderator emphasized that these data not only illustrate the genocide of Black youth in Brazil but also call on society to act in a coordinated manner to transform this reality, promoting integrated and effective actions to confront this grave violation of rights.

It was also noted that the panel would address the impact of lethal violence on Indigenous children and adolescents – a segment that deserves special attention due to their specific vulnerabilities and the worsening of their living conditions.

The moderator mentioned that one of the strategies to mitigate these rates, which would be discussed during the panel, is the implementation of the Protection Program for Children and Adolescents Threatened with Death (PPCAAM). This public policy aims to provide comprehensive protection to children and adolescents at imminent risk of death, as well as their families, through methodologies that promote life preservation and safe reintegration into new territories.

She emphasized that the National Council of Justice (CNJ) has been committed to strengthening this policy, having launched in 2023 the Manual of the Protection Program for Children and Adolescents Threatened with Death, in accordance with CNJ Resolution No. 498/2023. This material has supported the training of the justice system and support networks, expanding the Judiciary's role in ensuring the protection of children and adolescents' lives.

The moderator concluded her opening remarks by stating that the presentations in this panel would help deepen the understanding of the challenges in confronting lethal violence against children and adolescents, including the intersectional and territorial perspectives required by this complex and multifaceted phenomenon. Its resolution demands the commitment of all sectors of society – especially the Judiciary, which can and must play a leading role in articulating and implementing effective solutions.

In closing, she affirmed with conviction that it is possible to transform this reality and ensure the full protection of children and adolescents. She invited everyone to participate in the panel discussions with the goal of consolidating concrete strategies in support of this urgent cause.

Denise Avelino

National Coordinator of the Protection Program for Children and Adolescents Threatened with Death (PPCAAM)

Denise Avelino began her presentation by highlighting the enormous challenge of addressing intentional lethal violence – a topic that, in addition to being rarely discussed, is also insufficiently studied in Brazil. According to the panelist, the category of children and adolescents is even less analyzed in academic circles, both nationally and internationally, having only received scientific attention starting in the 1970s. This gap in childhood studies delays the development of scientific knowledge and compromises the formulation of public policies, which depend directly on academic data and insights to be effective. She also asserted that Brazilian society remains essentially adult-centric, which exacerbates the issue.

In discussing the relevance of childhood in the context of dignity and justice, Avelino praised the efforts of the National Council of Justice (CNJ) in advancing the recognition and protection of children's and adolescents' rights. According

to her, the CNJ has been a strategic and effective partner in building public policies focused on childhood and adolescence, consistently contributing to the strengthening of these actions in Brazil.

Regarding the landscape of intentional lethal violence in the country, Avelino cited alarming data presented by the Brazilian Public Security Forum, which highlight the violent nature of Brazilian society. She warned that, in addition to violence against women, LGBTQIA+ individuals, and Black people, children and adolescents have also been frequent victims of this violence. The speaker recalled the long history of oppression that has marked childhood – especially for Black children and adolescents – and emphasized that caring for this group reflects the care that society as a whole must demonstrate toward its population.

Avelino also shared recent data from a study conducted by the Brazilian Public Security Forum in partnership with UNICEF, which show a decrease in lethal violence among adolescents aged 14 to 18, but a significant increase in cases involving children aged 0 to 9, especially those in early childhood. According to the study, 18% of victims in this age group are between 0 and 6 years old, reflecting an urgent need for attention to this population.

Turning to the Protection Program for Children and Adolescents Threatened with Death (PPCAAM), Denise explained that it was established in 2003 through a presidential decree as a response to lethal violence against children and adolescents – especially following the international repercussions of the Candelária massacre in 1993. During that episode, dozens of vulnerable children and adolescents were killed, and others survived, but the event had a global impact. According to Denise, although the episode received more international than national attention, it led to direct pressure from Amnesty International for Brazil to take concrete measures to protect children's and adolescents' rights.

PPCAAM was initially conceived as an exceptional and temporary response to this reality. At the time, the Child and Adolescent Statute (ECA), created in 1990, was still a recent piece of legislation, and its full implementation was far from consolidated. However, even 31 years after the Candelária massacre, comprehensive protection still faces significant challenges to become a reality. Denise emphasized that PPCAAM represents a milestone as the first public policy specifically aimed at confronting intentional lethal violence against children and adolescents in Brazil.

According to the speaker, the program was born in response to international pressure – not from a national initiative – due to the normalization of lethal violence against this group in the country. Data from the Brazilian Public Security Forum show that very little has changed since the program was instituted in 2003, with the structural causes of violence remaining largely unchanged.

Avelino explained that PPCAAM began in Minas Gerais and was later implemented in Espírito Santo and other states. The program's central mission is to protect children and adolescents threatened with death, with a specific focus on cases

identified through referrals from the program's Entry Points (Child Protection Councils, Judiciary, Public Prosecutor's Office, and Public Defender's Office). However, she stressed that many children and adolescents who are victims of this violence never come to the program's attention and end up losing their lives without any chance of protection.

PPCAAM operates based on established mechanisms such as the Child and Adolescent Statute (ECA), especially Article 4, and Article 227 of the Federal Constitution, as well as international conventions. The guiding principle of the program is to protect life, as it is non-negotiable. "What perishes is the body," Avelino emphasized, explaining that the program's first action is to ensure the physical safety of the child or adolescent.

However, the work of the program goes beyond saving lives. It seeks to offer comprehensive protection and ensure access to all rights established by Article 227, such as housing, food, health, education, and clothing, in order to guarantee dignity for the child, adolescent, and their family. According to Avelino, this is PPCAAM's greatest challenge: to articulate a complete response that goes beyond security and effectively promotes rights.

The national coordinator emphasized that PPCAAM is a public policy that breaks paradigms in Brazil, where the implementation of public policies is fragmented and lacks coordination. Nationally, policies on social assistance, health, security, and human rights often operate in isolation, without dialogue or integration. PPCAAM's role is precisely to connect these policies and create an integrated service network.

The program functions as the largest network coordinator in the country. At the state level, it seeks to integrate and mobilize different sectors to ensure that children, adolescents, and their families gain coordinated access to public policies. PPCAAM's work includes strengthening family autonomy through access to rights and reinforcing local service networks, promoting integration and communication across different policies and sectors.

PPCAAM is both challenging and innovative, especially for promoting dialogue among public policies in a country where fragmentation is the norm. The program's teams play a fundamental role in mobilizing and strengthening service networks in the states, ensuring that comprehensive protection becomes a reality for children and adolescents threatened with death.

The program prioritizes preserving family and community life whenever possible. From 2003 to October 2024, PPCAAM protected 5,981 children and adolescents and 9,789 family members, totaling 15,750 lives protected. In 2023 alone, 1,253 new lives were included. Between 2019 and 2023, around 7,000 people were served – a significant increase due to the worsening of lethal violence in Brazil, driven by the expansion of criminal factions and the spread of organized crime.

Avelino pointed out that until 2015, lethal violence was mostly concentrated in state capitals and metropolitan regions. However, since 2016, criminal factions have begun migrating to the interior of the country. Small towns with around 10,000 inhabitants have started to register branches of these criminal organizations, which requires restructuring the program to serve both urban centers and rural areas.

The population served by PPCAAM is mostly composed of adolescents aged 14 to 18, coinciding with the group most vulnerable to lethal violence in Brazil. Data from the Brazilian Public Security Forum show that in 2023, police lethality was higher among adolescents than adults. There was an increase in deaths of children aged 0 to 9, while the lethality rate among adolescents showed a slight decrease.

Denise Avelino explained that the population served by PPCAAM is not only threatened with death but also carries a history of multiple rights violations, such as child labor, sexual violence, physical abuse, abandonment, and neglect. "**These individuals come to us carrying a burden of pain, violence, and violations, seeing the program as the last barrier between life and death**", she said. However, she also highlighted that many adolescents do not enter the program because they have completely lost hope in life, institutions, and adults.

She noted that the greatest challenge for the program is reaching those young people who have lost faith in a better future. "**When an adolescent says, 'If I make it to 16, that's already good,' it shows the magnitude of the challenge we face**", she added.

The panelist drew attention to the impact of structural racism on the profile of children and adolescents served by the program. According to her, 73% of PPCAAM beneficiaries are Black, reflecting data from the Brazilian Public Security Forum. "PPCAAM is perhaps the public policy that most serves this population, because they are the ones targeted by factions, domestic violence, and police violence," she stated.

Among PPCAAM's entry points, the Child Protection Council is the main referrer, followed by the Judiciary, which has a strong connection with the program. Inclusion modalities include institutional shelter; family inclusion; independent housing; and solidarity families.

Denise Avelino concluded her participation in the seminar by highlighting the challenges faced by PPCAAM in protecting children and adolescents. The main challenge, she said, is ensuring that families enter the program alongside their children. When this is not possible, adolescents must be referred to institutional shelter units – a complex task due to resistance from some public policies and social assistance services in accepting the program's beneficiaries.

She explained that this resistance is based on a mistaken narrative that adolescents in PPCAAM, due to their history of multiple violations and vulnerability, pose a threat to shelter units. "This stigmatizing view does not reflect reality, as throughout

the program's history, there has never been any incident to justify this narrative," she argued.

Among the program's advances, Avelino highlighted the importance of CNJ Resolution 498, which organized the referral flow for protective measures in institutional shelter. She celebrated the fact that many Brazilian states already use the resolution, and the goal for 2025 is for all 22 states to implement it effectively.

Another highlight was the expansion of family-based shelter through the "Solidarity Family" modality, which has provided a more affectionate and personalized environment for adolescents. Denise reported that there are currently 95 solidarity families in 8 states, with the goal of expanding to 22 states by the end of 2025. States like Ceará and Pernambuco no longer use institutional shelter, representing a significant improvement in service quality.

Avelino also announced the update of the SIPIA/PPCAAM system, which will allow greater transparency and real-time access to data on children and adolescents included in the program. Starting in 2025, judges, prosecutors, and social rights professionals will be able to consult detailed information about PPCAAM's operations in their states, facilitating planning and evidence-based decision-making.

The speaker emphasized that although PPCAAM is essential, it cannot remain the only response to lethal violence against children and adolescents in Brazil. Therefore, she announced the development of a National Policy for the Prevention of Lethal Violence, in partnership with UNODC, the Legislative Assembly of Ceará, and other institutions. The goal is to systematically address the crisis that makes Brazil the country with the highest child and adolescent homicide rates in the world.

Denise Avelino concluded with a reflection: "We are 210 million Brazilians. Of those, 53.7 million are children and adolescents, and 32 million live in poverty – mostly Black, marginalized, and poor. We can no longer normalize this reality. A country will only be good to live in if it is good for our children and adolescents." She ended by reaffirming the importance of collective mobilization to build a more just and inclusive future for the next generations.

Moderation

Karen Luise Vilanova Batista de Souza

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

The moderator complemented the speaker's remarks by stating that, for her, the greatest challenge concerning children and adolescents is ensuring that they themselves can give meaning to the word "future." "Many of them don't even know

what that word means, and our work – collective and cross-sectoral – needs to begin much earlier," she emphasized.

She reiterated that efforts on behalf of children and adolescents must be conceived and articulated across all branches of government, with the judiciary directly involved and committed to this cause.

Judge Karen Luise then gave the floor to the next guest, introducing Rutian Pataxó, the first Deputy Ombudsperson of the Citizen Ombudsman Office of the Public Defender's Office of the State of Bahia.

Rutian Pataxó

First Deputy Ombudsperson of the Citizen Ombudsman Office of the Public Defender's Office of the State of Bahia

Rutian Pataxó congratulated the CNJ for this initiative and, more importantly, for its outreach to Indigenous peoples to understand the complexity of what it means to be Indigenous. For a long time, Indigenous culture has been rendered invisible in this country. There has always been a deliberate historical pattern of neglect regarding Indigenous issues. Understanding that categorizing people merely as "Indigenous" also diminishes their specificities as peoples, as nations. In Brazil, there are over 300 Indigenous peoples, each with its own culture, particularities, language, worldview, and cosmology. Even the speaker, as an Indigenous person, acknowledged how complex it is to speak about another people.

She shared that she belongs to the Pataxó people, born and raised her entire life in Pataxó territory, and even so, she finds it difficult and challenging to fully grasp the complexities of other ethnic groups. She recounted that the unity among Indigenous peoples was an attempt at self-protection. When they came together to form regional, state, and national organizations, the goal was, despite their differences, to establish alliances and demonstrate that they stand together in the fight to preserve their rights and territories. These organizations are essential to protect and ensure the preservation of Indigenous lands.

It is important to highlight that public policies must include ethnic-racial frameworks in all their categories. Without these frameworks, it is impossible to implement effective policies in this country, whether for children, adolescents, youth, or women. Public policies cannot be planned solely from offices in Brasília, without being present in the territories, without listening to the communities and understanding their realities and specificities.

As an Indigenous leader, she stated that she travels throughout nearly the entire state of Bahia and knows many Indigenous peoples. Because of this, she perceives the need to create specific policies that distinguish who these peoples are, where they are located, and what their contexts are. This is essential. The understanding

of childhood and youth within Indigenous contexts is also complex. Not all peoples recognize the age categories created by white societies - such as child, adolescent, and youth. These divisions are Western constructs and do not reflect our cultures, where these life stages are often not separated. In some communities, people marry early, have children early, and assume responsibilities very early.

Since the invasion of Brazil, Indigenous peoples have faced historical neglect by the State. The absence of effective public policies that respect the particularities of these peoples exacerbates the vulnerability caused by the invasion of our territories. Even demarcated territories continue to be invaded, with land grabbing, illegal logging, poaching, and more recently, drug trafficking. As mentioned by Denise Avelino, speaker Rutian Pataxó corroborated that drug trafficking threatens the territories, making the Indigenous population – already vulnerable – even more fragile due to the omission of the Brazilian State.

She stated that "any public policy aimed at Indigenous peoples must begin with the protection of our territories." One cannot speak of policies for children and adolescents without engaging in dialogue with Indigenous leadership and grassroots communities. She shared that she is from the state of Bahia, which has the most lethal police force in Brazil. Bahia is the second state with the largest Indigenous population in the country, after the Amazon. Her people, the Pataxó, represent more than 40% of the Indigenous population in the state. They are in an extremely complex area, the Discovery Coast, encompassing Porto Seguro, Prado, and Santa Cruz Cabrália municipalities. This region faces intense real estate speculation and other vulnerabilities, such as drug trafficking, sexual abuse, and human trafficking.

The rate of violence against youth and adolescents in this region is alarming. In the villages, childcare responsibilities are shared amongst all members. However, the lack of protection for the territories directly affects these children. Two years ago, a Pataxó teenager named Gustavo was shot in the head with a rifle and killed within his territory. In Bahia, the military police often act as private security for large farms, committing violence against communities. After Gustavo's death, two more young Pataxó individuals – Nauí, aged 16, and Samuel, aged 21 – were also killed because of land disputes.

Ombudsperson Rutian added that the territory of Barra Velha do Monte Pascoal is one of the most emblematic, but it overlaps with the Monte Pascoal National Park, created by the Brazilian State in the 1940s, which led to the expulsion of Indigenous people to smaller areas, such as the Barra Velha village. The demarcation of this territory faces no legal impediments, but the issue is political. While awaiting this demarcation, the community remains vulnerable to land grabbing and armed militias.

The state government has attempted to implement territorial protection programs, but many challenges remain. The military police, for example, still carry remnants of colonialism, and effective change will take time. Moreover, there is a lack of specific public policies and intercultural training for those who work with the communities. "One cannot approach Indigenous peoples with a Western mindset, but rather by respecting their cultures and ways of life," she affirmed.

Unfortunately, Brazilian legal education completely ignores Indigenous issues. Even in constitutional law, the topic is barely addressed. This reflects the limited training of professionals who end up occupying positions in the Judiciary. Despite this, the speaker sees this seminar and the CNJ's effort to share experiences and knowledge as a significant step forward, promoting a more humanized and respectful dialogue.

She concluded by emphasizing that public policies ignore cultural and territorial specificities. She reiterated that it is impossible to create effective policies without considering the particularities of peoples and their territories. For the speaker, the Indigenous movement is an example of resistance, and its traditions play a fundamental role in protecting children, adolescents, and women. Therefore, it is necessary to strengthen culture, develop strategies for community education and territorial surveillance, and combat drug trafficking, which ravages the communities.

The goal is to protect territories, culturally empower youth, and build inclusive and effective public policies. Achieving this requires committed allies. She ended by stressing the need to demystify the idea that Indigenous peoples want the entire country for themselves – this is not true. They only seek what rightfully belongs to them. She affirmed that by working together, it is possible to build a more egalitarian and respectful country for all.

Moderation

Karen Luise Vilanova Batista de Souza

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

Karen Luise began by expressing her gratitude for the presentation. She emphasized that there was no better word to define the impact of the speech at that moment. As she listened to the presentation, several issues came to mind, especially those related to the concept of interculturality. In this context, she mentioned a widely used expression by Professor Tula Pires, which refers to the "legal monoculture." The judge highlighted the difficulty of promoting justice for all when legal professionals are trained from a single perspective that does not consider the specificities, histories, and cultures of individuals.

For the moderator, this is one of the major challenges faced by the Judiciary. Nevertheless, she assured that the National Council of Justice is strongly committed to building bridges and supporting the promotion of Human Rights, especially regarding Indigenous populations, Indigenous children and adolescents, as well as quilombola children and adolescents and other traditional peoples and communities. She emphasized that, as mentioned by Dr. Denise, if there is no possibility of offering hope for the future to all, the work being done loses its meaning.

Karen Luise concluded her remarks by introducing the next speaker, Professor Wallace Corbo, lawyer and associate professor of Constitutional Law at the State University of Rio de Janeiro (UERJ).

Wallace Corbo

Lawyer and Professor at UERJ

Professor Wallace Corbo began by greeting the panel, highlighting Dr. Karen Luise, and thanking the National Council of Justice (CNJ) and the United Nations Development Programme (UNDP) for organizing such an enriching event. He commented that he felt like the student who, at the end of a class when everything has already been discussed, raises their hand to ask one last question – joking that he would try to be brief, even though that promise is often illusory.

Before beginning, Corbo provided his self-description: a Black man with short curly hair, a trimmed beard, wearing glasses, a blue suit, blue tie, and white shirt. He also joked by calling himself a "young elder," referencing a term mentioned by another speaker, Rutian, indicating that he was already past the age of 30.

The professor introduced his presentation by recounting a poignant story. On November 5th, in Santos, São Paulo, two boys went out to play soccer in the Morro de São Bento. One of them, João, Pedro, aged 10, ran to retrieve the ball that had fallen near a wooded area. At the same time, a shootout began. João Pedro, following what he had learned in his everyday reality, threw himself to the ground. His younger brother, Rian, aged 4, ran inside the house. When their mother realized what was happening, she found Rian with a fatal gunshot wound to the abdomen. He did not survive and died shortly after. One month earlier, João Pedro and Rian's father, a man with a disability who used crutches, had also been killed. Despite his physical limitation, his death was recorded as a supposed shootout with the police.

Wallace Corbo pointed out that while the state governor did not comment on Rian's death, he congratulated the secretary of public security for the "brilliant" operation in Santos. He emphasized that, anywhere else, the death of a child like Rian would have mobilized the country, prompting calls for accountability from the governor, the secretary, and the police officers involved. In Brazil, however,

the death of certain children does not generate public outcry. This reality reflects a selective view of which children's lives are deemed relevant by society.

Corbo continued by mentioning another emblematic case that occurred during the pandemic in 2020. João Pedro, a 14-year-old boy, was following the Rio de Janeiro government's guidance to "stay home." While playing in his backyard, a police operation in the Salgueiro Complex in São Gonçalo resulted in his death. The tragedy led to one of the first significant rulings by the Federal Supreme Court (STF) on public security, aiming to implement changes in the state's policy. However, Wallace noted that families of children and adolescents killed by police often face a painful journey to prove their children's innocence and justify their right to empathy and state protection.

The professor addressed the idea of who "counts" as a child in society, highlighting how the category of childhood was historically invented and romanticized by modernity. He pointed out that, in Brazil, the lives of Black children are constantly disregarded, and their deaths are treated as trivial. He cited structural and institutional racism as central elements fueling this lethal violence, noting that one in every seven deaths of Black children and youth results from police interventions.

Corbo also reflected on how racism permeates family and social structures, shaping expectations about how Black boys should behave and often contributing to situations of violence both inside and outside the home. He drew attention to the normalization of this violence by institutions and justice system agents, who frequently treat deaths as mere fatalities, failing to recognize them as structural problems requiring intervention.

The professor pointed out that, in addition to racism, factors such as gender and the performance of social roles contribute to violence against Black children and adolescents. He emphasized that Black boys are disciplined harshly from an early age by a world that does not allow them space to dream or live fully. This reality, according to Wallace, reflects a profound denial of fundamental rights and a public security policy that prioritizes the feeling of safety over the value of life.

Finally, Wallace Corbo reiterated that solving these problems requires broad public policies and profound changes among justice system agents, who must recognize their active duty to protect these children and adolescents. He concluded his speech by quoting a poem by Conceição Evaristo:

"My daughter's voice gathers all our voices, gathers within itself the muted, silenced, choked in the throat voices. My daughter's voice gathers within itself the speech and the act, the yesterday, the today, the now. In my daughter's voice we will hear the resonance, the echo of life, of freedom."

With this quote, the panelist ended his remarks, expressing the hope that the echo of life and freedom may resonate in the voices of all children and adolescents, receiving applause at the end.

Moderation

Karen Luise Vilanova Batista de Souza

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

Judge Karen Luise concluded the Panel on Combating Lethal Violence Against Children and Adolescents by expressing deep gratitude for the contributions of the panelists and highlighting the sensitivity of their presentations. She remarked that, particularly because of the final speech, she felt internally moved in a way that left her profoundly emotional. She stated that one of the major questions emerging from this panel is: "Who can we count as a child? Which children are these?"

Although she had previously presented some figures and facilitated the discussions, Karen Luise emphasized that the data – however overwhelming and dehumanizing – are directed at all those who work within or engage with the justice system. According to her, it is the responsibility and duty of these actors to transform these terrible numbers, which reflect the dehumanization of a segment of society, into a different reality.

The judge highlighted the issue of the dreams of Black and Indigenous children and adolescents, noting that these children often have their dreams colonized. Colonization, she said, still fulfills this cruel role, but despite that, these children continue to dream and aspire to a different place in life and in the world. Karen Luise affirmed that this panel must serve as a space for reflection on what can effectively be done to change this reality. Otherwise, it would lose its meaning, becoming merely a space where voices echo without provoking concrete actions.

She also brought up the idea of inertia in social myths and patterns, referencing Professor Kabengele Munanga's remarks on the myth of racial democracy. Even though this myth has been scientifically and socially refuted, it continues to manifest inertially and remains difficult to dismantle across various domains, especially in human rights agendas.

Closing the panel, the moderator reiterated her gratitude to the panelists for their brilliant contributions and affirmed the importance of remaining mobilized to transform the data and questions presented into concrete actions and meaningful changes in the lives of children and adolescents.

PANEL 3

Perspectives on Judicial Interpretation of Crimes Motivated by LGBTphobia

PANEL 3

Perspectives on Judicial Interpretation of Crimes Motivated by LGBTphobia

Symmy Larrat
Journalist and National Secretary for the Rights of LGBTQIA+ Persons at the Ministry of Human Rights and Citizenship (MDHC)

Gloria Manzotti
Specialist in Rule of Law, Citizen Security, and Human Rights Policies at the United Nations Development Programme (UNDP) in Latin America and the Caribbean

Jaqueline Gomes de Jesus
Professor of Psychology at the Federal Institute of Rio de Janeiro (IFRJ)

Carolina Castelliano
National Defender of Human Rights at the Federal Public Defender's Office (DPU)

Moderation
Dr. Marcel da Silva Augusto Corrêa
Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

Foto: Divulgação/CNJ

Moderation

Marcel da Silva Augusto Corrêa

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

Auxiliary Judge to the Presidency of the CNJ, Marcel Corrêa, opened the panel by welcoming the participants and introducing the theme of the session, titled "Perspectives on Judicial Interpretation of Crimes Motivated by LGBTphobia."

Marcel Corrêa stated that this theme invites reflection on LGBTphobia as a phenomenon that remains deeply rooted in Brazilian society and throughout Latin America. Therefore, with a multidimensional and intersectional approach, the panel seeks to explore the perspectives of various institutions that play strategic roles in promoting and protecting the rights of LGBTQIA+ individuals.

He also emphasized that the criminalization of LGBTphobia, recognized by the Federal Supreme Court (STF) through ADI 26 and MI 4733, represented a fundamental milestone for Brazil. By equating LGBTphobia with racism, the STF filled a legislative gap that had historically exposed this population to legal invisibility.

However, the ongoing need for judicialization of LGBTQIA+ rights reveals the absence of specific legislation that comprehensively addresses the demands of this community. This gap underscores the importance of progressive judicial decisions while awaiting legislative advances that consolidate the protection and promotion of LGBTQIA+ rights within the Brazilian legal framework.

Another major challenge in addressing crimes motivated by LGBTphobia is the lack of official and systematized data, particularly those disaggregated by race, gender, sexual orientation, and other social markers. The absence of continuous data gathering with intersectional analyses hinders a full understanding of the violence affecting LGBTQIA+ individuals, rendering the specificities of groups at higher vulnerability risks invisible.

In this context, the moderator reinforced the importance of data production and analysis carried out by universities and institutions dedicated to education, research, and extension. In addition to the valuable academic contribution, the work of civil society organizations focused on defending LGBTQIA+ rights is essential to complement these diagnostics by providing reports and statistics based on lived realities. This articulation of efforts enables evidence-based public policies capable of promoting more effective responses to combat LGBTphobia.

Finally, he praised the CNJ's role in developing anti-discrimination policies, especially through Resolution No. 582, dated September 20, 2024, which established the National Forum for the Promotion of LGBTQIA+ Rights and the Rogéria Form.

The National Forum for the Promotion of LGBTQIA+ Rights aims to propose improvements in judicial services, standardize practices, and strengthen cooperation between the Judiciary, the protection network, and public and private entities. The Rogéria Form was developed to identify risk factors for rights violations and violence against LGBTQIA+ individuals, ensuring confidentiality of information and being applicable by both the Justice System and Public Security institutions, with the goal of preventing further incidents of such violence.

After concluding his opening remarks, Marcel Corrêa proceeded to introduce the first speaker, Ms. Gloria Manzotti, Specialist in Rule of Law, Citizen Security, and Human Rights Policies at the United Nations Development Programme (UNDP).

Gloria Manzotti

Specialist in Rule of Law, Citizen Security, and Human Rights Policies at the United Nations Development Programme (UNDP) in Latin America and the Caribbeane

Speaker Gloria Manzotti began her intervention by expressing gratitude for the opportunity to participate in the seminar, highlighting that the event's agenda is deeply inspiring. She extended special thanks to Judge Adriana Cruz, Secretary General of the CNJ; Judge Karen Luise, Auxiliary Judge to the Presidency of the CNJ and Coordinator of the Plural Justice Program, an international technical cooperation with UNDP Brazil; and to the moderator, Dr. Marcel Correa.

Manzotti recalled that December 10th is a special date, marking International Human Rights Day. In this context, she emphasized the importance of moments like the seminar, which allow for reflection and discussion on human rights issues.

She also noted that, although Brazil has privileged spaces for debating and advancing this agenda, many contexts in Latin America still face enormous challenges. In several regions, the very concept of human rights – its recognition and realization – remains out of reach. Therefore, beyond celebrating the date, Ms. Gloria reinforced the relevance of events like the seminar to promote cooperation and foster concrete progress in securing these rights.

Continuing her presentation, she performed audio description, a practice that seeks to ensure accessibility for people with visual impairments, allowing them to have a more inclusive understanding of the environments and people around them. This detailed description of her appearance and characteristics is a resource used to enhance inclusion in events and discussions.

Gloria Manzotti introduced herself as being from the city of Quilmes, Argentina, and shared aspects of her identity, mentioning that she is a daughter of democracy

and public university, and belongs to a generation also marked by romantic love. Manzotti shared that she is the first woman to hold the position of Regional Advisor on Rule of Law and Human Rights at UNDP.

In her self-description, she mentioned that she is of medium height, describing herself as "neither tall nor short." She has curly hair, wears shades of brown, and considers her nose a distinctive feature of her face.

Continuing her remarks, Manzotti referred to the previous day's panel, in which literary works were suggested as sources of reflection. She emphasized that, in addition to data and discussions on access to justice, art and literature also play an essential role in bringing social realities to light and stimulating meaningful debate.

In this context, she recommended the book "Las Malas" by Camila Sosa Villada, an Argentinian writer. She explained that the book addresses the reality of trans people in Argentina, going beyond individual and collective trajectories to explore the social invisibility faced by this population. The book highlights barriers, discrimination, and stigmas, but also conveys messages of love, protection, care, and hope.

To illustrate the importance of the book, the panelist read a passage that reflects on healing and rest in times of accelerated pace:

> "The cure for all our ailments, the break for any illness of the body or soul, was rest. In these fast-paced times, wasn't it the greatest gift someone had ever given us in life? To let us rest and allow it to take care of our waking hours." (our translation).

Manzotti emphasized that the message of the book speaks to the need for attention to care and humanity – essential values for confronting inequalities and promoting truly inclusive justice.

Following her introduction and initial reflections, she presented a series of data on the regional context of Latin America and the Caribbean, addressing LGBTphobic violence and UNDP's work in the region. She invited participants to reflect on the conditions of cooperation necessary to confront the challenges outlined.

The speaker noted that Latin America and the Caribbean constitute the third most democratic region in the world. However, public trust in institutions has significantly declined, reaching levels close to 20%, meaning only one in five people trust their governments and institutions. Interestingly, the region has recorded the highest increase in political polarization over the past 20 years.

She also referred to the region's so-called "super electoral cycle," in which 21 electoral processes are taking place across 19 countries between 2023 and 2024. These processes involve more than 400 million voters. Despite this, women's participation in public decision-making remains low, with only about 30% involved

in political decision-making processes and just 15% of municipalities led by women. Manzotti drew attention to the lack of systematized data on the inclusion of the LGBTQIA+ population in these processes, pointing to the urgent need to build this landscape.

Regarding violence, she reinforced that Latin America and the Caribbean have historically endured the highest rates of lethal crimes in the world, including homicides, femicides, and crimes based on sexual orientation and gender identity. Although the region represents only 9% of the global population, it accounts for 33% of global homicides. Among the 20 countries with the highest homicide rates, 17 are in Latin America.

This scenario for LGBTQIA+ individuals reflects deep inequalities, with significant difficulties in accessing education, healthcare, economic opportunities, and justice – even with progress in some countries. The data presented supports the need for cooperation and structured public policies to address these inequalities and promote genuine inclusion and safety for the LGBTQIA+ population.

Gloria Manzotti then presented an analysis of the vulnerability and violence faced by LGBTQIA+ individuals in five Central American countries: Belize, Costa Rica, Guatemala, Honduras, and Panama. The data were drawn from a study conducted by UNDP between September 2022 and January 2023, carried out both in person and virtually.

The research revealed significant barriers that limit the full exercise of rights for this population. Manzotti paused to reflect on the term “barriers,” noting that its use often implies that people have guaranteed rights but face occasional obstacles in exercising them. However, she emphasized that the data presented represent life trajectories marked by continuous violations, discrimination, and human rights infringements from birth.

The results of the study indicated that 45% of respondents reported discrimination, while 9% stated that their rights had been violated in the past year. Poverty was identified as an aggravating factor, intensified by social and labor exclusion, as well as cultural stigmas that hinder the development of these individuals.

Manzotti affirmed that, beyond quantifying inequalities, it is essential to look at the stories behind the numbers, recognizing the lived experiences and challenges faced by LGBTQIA+ individuals in the region to guide more effective public policies.

The speaker continued her presentation by combining data analysis with promising practices observed in the region. She highlighted the National LGBTQIA+ Survey conducted in 2020 in the Dominican Republic, amid the public health crisis caused by the COVID-19 pandemic. This comprehensive, nationwide study investigated the sociodemographic conditions and human development of this population.

The survey results revealed that 72% of respondents reported having unmet needs and were not benefiting from any social program. Ms. Gloria emphasized that these difficulties are not limited to explicit violence but encompass a complex set of violations that must be addressed comprehensively.

Additionally, she cited a 2019 report by the Inter-American Commission on Human Rights (IACHR), which had already warned of high levels of violence against LGBTQIA+ individuals in the Americas. The document indicated that one in six respondents had emigrated to another country due to their gender identity or sexual orientation. She underscored that these numbers go beyond statistics; they represent interrupted lives, destroyed dreams, and systematically violated rights.

Gloria Manzotti concluded her presentation with an analysis of the report "Access to Justice for Ibero-America," produced by the Ibero-American Alliance for Access to Justice. The study found that one in four people does not recognize when they are facing a legal problem and does not know they can turn to the justice system to resolve it, highlighting the lack of tools to identify and access rights. This gap is exacerbated by persistently high levels of violence and discrimination, completing a scenario of great vulnerability in the region.

She emphasized the importance of disaggregated data and an intersectional approach to fully understand the inequalities faced by vulnerable groups such as the LGBTQIA+ population. In this context, she congratulated the Plural Justice Program, a partnership between UNDP and CNJ that aligns Brazil's initiatives with regional goals for inclusive justice.

Regarding UNDP's initiatives, Manzotti mentioned regional programs such as "Being LGBTIQ+," which operates in the Caribbean and Asia to advance the inclusion agenda through research and data. She also stressed the importance of involving the Judiciary in campaigns and training, providing judges with the knowledge needed to handle cases related to discrimination and violence. She praised initiatives such as legal portals and jurisprudence guides, which offer practical tools for legal professionals.

Reflecting on the future of justice, Gloria Manzotti highlighted the need to expand the public sphere for debate, promote co-creation spaces for public goods and services, and overcome technological barriers that hinder access to justice for the LGBTQIA+ population. People-centered justice must prioritize inclusion, evidence-based action, and the acceleration of digital transition.

To conclude, she presented a forward-looking vision of the justice system, based on UNDP's report on signals and future challenges for these institutions. In her words, the future will require these institutions to anticipate and prevent inequalities and discrimination, as well as to incorporate a multispecies perspective, connecting justice and environmental sustainability. Quoting Mafalda, an iconic Argentine character, she ended: "We have the right to a world where all worlds fit."

Jaqueline Gomes de Jesus

Professor of Psychology at the Federal Institute of Rio de Janeiro (IFRJ)

Taking the floor, speaker Jaqueline Gomes expressed her gratitude to the National Council of Justice (CNJ) for the opportunity to participate in the seminar and join the discussion panel. She praised the simplicity and beauty of the event's central theme, "human dignity," and celebrated the presence of other distinguished participants, such as the National Secretary for the Rights of LGBTQIA+ Persons, Symmy Larrat, to whom she dedicated words of affection and strength: "She is our National LGBT+ Secretary, straight from Pará, with much axé and light."

Jaqueline Gomes shared reflections on how she structured her approach to both the general theme of the event and the specific topic of the panel. Recognizing the technical and legal nature of the seminar, organized by a body of legal professionals, she chose to bring a more analytical and pedagogical perspective to the discussion. Rather than focusing on descriptive data, Ms. Jaqueline opted to deliver what she called a "mini lecture," aiming to propose conceptual reflections that should support practical discussions on combating LGBTphobia.

She stated that her presentation would be grounded in the data already presented by the first speaker regarding the Latin American context, as well as the national scenario introduced in the panel's opening remarks. Based on this foundation, her goal was to deepen the understanding of the issues and present ways to identify and address LGBTphobia more effectively.

With these considerations in mind, Jaqueline Gomes shared a publication of her authorship in the journal "Campo de Públicas" from the João Pinheiro Foundation, titled "LGBTphobia: Identify and Prevent," which revisits reflections previously presented in her 2015 book "Homophobia: Identify and Prevent." This work is the result of over a decade of experience as an activist in the LGBTQIA+ movement and as a researcher dedicated to exploring the topic.

The speaker highlighted that her interest in the subject began in 1997, while studying Psychology at the University of Brasília (UnB). A native of Brasília and currently residing in Rio de Janeiro, she identifies as a daughter of the "candangos" who migrated from the Northeast to build the country's new capital. Her academic and activist paths converged early on. During her studies, she realized she could significantly contribute to the LGBTQIA+ movement by bringing academic tools and methodologies into the debate.

Jaqueline Gomes emphasized that her work seeks not only to strengthen the social movement but also to generate impact across society, including institutions such as universities, academic centers, and federal institutes. As a professor at a Federal Institute, she underscored the importance of using research and academic production as tools to combat LGBTphobia.

Continuing her presentation, she recounted a significant experience in her academic and activist journey. In 2000, she received support from a U.S.-based institution, the *Human Rights Foundations*, to conduct the first research on violence and murders of homosexual and transgender individuals in the Federal District. This research was published in the bulletin of Grupo Gay da Bahia under the title "I Killed Because I Hate Gays," a phrase declared by a homophobic murderer in 1999. Jaqueline Gomes emphasized that, at the time, there was no support from public institutions for this type of research, with the social movement being the main driving force in the search for answers. Academia, she noted, was also distant from this discussion.

Recalling moments of resistance during her undergraduate studies in Psychology at UnB, she narrated that in 1998 – eight years after the World Health Organization (WHO) removed homosexuality from the list of mental disorders – she had to confront a professor who, in a Hospital Psychology class, still categorized homosexuals under the psychopathological label of "perverts." She noted that she had to intervene, correcting the information and emphasizing the changes made by the WHO.

Using this example, the speaker addressed the relationship between scientific and legal norms, highlighting how disease classifications have implications that directly intersect with human rights. Often, standards and norms are created by specialists or institutions and end up being naturalized – even when outdated. This disconnection, she argued, demonstrates how the social movement, academia, and public authorities must engage in dialogue to promote real and sustainable change in the fight against LGBTphobia.

Next, Jaqueline Gomes underscored the relevance of the partnerships established in Brazil with the International Labour Organization (ILO), which addressed the rights of LGBTQIA+ individuals in the workplace. However, she noted that an outdated psychoanalytic view still prevailed, which considered, for example, trans individuals as manifestations of neurotic states – "a view still shared by some professionals today, unfortunately," she stated.

She recounted that, as a Psychology student, she had to adopt a critical stance and seek solid information to support her responses in academic and social debates. Confronting prejudiced ideas could not be reduced to mere opinion or emotional outbursts; it required consistent arguments grounded in studies and evidence. This pursuit of solid foundations was an essential learning experience in her journey.

Jaqueline Gomes also praised positive aspects of her education at UnB, which, in the 1990s, already discussed topics such as intersexuality; even though the terminology used at the time was dated, such as "aphroditism." She recalled learning during her undergraduate studies that when a child is born with genital ambiguity, the guidance given to parents should be to avoid unnecessary bodily

interventions and to choose names that do not reinforce gender stereotypes. This approach aimed to reduce the cultural pressure that often accompanies situations of nonconformity with normative standards.

She further explained that, in our culture, the pressure for clear gender identification is intense, especially when characteristics are perceived as divergent from the norm. According to the speaker, this reflects an attempt to impose stereotypes, which fall more harshly on LGBTQIA+ individuals. This context demands that professionals develop sensitive and respectful approaches to handle such situations.

For the speaker, the responses and possibilities that currently exist to address issues related to LGBTphobia and intersexuality stem largely from the ongoing dialogue between academia and the social movement. According to her, this dialogue is essential for building inclusive and sustainable pathways in the struggle for rights and dignity for all: "he, she and they."

Continuing her remarks, she addressed the challenge faced by academia in balancing theoretical and practical dimensions in the debate on LGBTphobia. According to the speaker, academia still maintains a predominantly academicist perspective, privileging theory while often neglecting the lived realities of individuals. For her, while it is essential to deepen theoretical frameworks, it is equally important to consider how academic issues connect with the general population – especially in Latin America, a region marked by a history of colonialism, imperialism, and the exportation of LGBTphobia through European Judeo-Christian traditions. She recalled, ironically, that many European countries which disseminated these practices no longer criminalize LGBTQIA+ identities today.

Jaqueline Gomes shared that, in her experience, she has observed a tendency to dehumanize debates, disregarding the bodies and lived experiences of LGBTQIA+ individuals. Upon publishing her book Homophobia: Identify and Prevent, she noticed that many perceived the fight against LGBTphobia merely as the cataloging of murders. She cited cases in which readers requested updated statistics on deaths, as if identifying and preventing LGBTphobia were limited to that dimension. For the author, this approach is symptomatic, as lethal violence is only one expression of the problem and should not be the sole focus. "Otherwise, we're merely compiling a constant obituary," she stated.

She then discussed the importance of understanding the etymology and evolution of terms that designate different forms of discrimination – such as homophobia, biphobia, lesbophobia, and transphobia – and their particularities. She emphasized that the experiences of trans women and travesties (*person who self-identifies with the female gender, which does not align with the one assigned at birth. It is a Brazilian and Latin-American identity, and different from transgender women due to political and historical context*), for example, share commonalities with those of other women, but also present unique challenges. Issues related to health, gender identity, and societal perception are among the differences that must be considered beyond labels.

The speaker also expressed concern about the excessive use of acronyms and abbreviations in academic and social discourse. According to her, this practice can lead to superficiality, without a deep understanding of the underlying issues. She stressed that when discussing terms like LGBTQIA+, it is essential to emphasize that they represent not only a quest for representation but also dimensions that pertain to this community. She reinforced that even individuals who identify as cisgender, white, married men with children are part of diversity, as they possess gender, sexuality, race, ethnicity, and age.

Jaqueline Gomes de Jesus concluded her presentation by discussing the central role of education in reproducing stereotypes and discrimination related to gender and sexuality. She highlighted that, from early childhood, we learn concepts of gender and sexuality within a context of "gender apartheid and sexual division of labor" – practices deeply rooted in culture since the Neolithic period. She noted that children between the ages of three and five already internalize gender and racial stereotypes, often hierarchizing or devaluing individuals based on their cultural context.

According to the speaker, this early learning is widely reproduced within families, even in households led by women or Black families. This occurs because discriminatory ideology is perpetuated through culture. For her, combating LGBTphobia, sexism, and racism requires significant effort, as these forms of prejudice are deeply intertwined and normalized.

She pointed out that LGBTQIA+ individuals often face a dichotomous treatment: they are either viewed as "pitiful" or as "superheroes," with no room for ordinary, full lives. This dehumanization is exacerbated by the erasure of LGBTQIA+ children, ignoring their existence and experiences. Furthermore, she emphasized that violence against LGBTQIA+ people goes beyond physical or lethal aggression, encompassing symbolic and psychological violence, which often hinders recognition and acceptance of these identities.

She also identified a major educational challenge: questioning and denaturalizing the preconceived ideas that have shaped us since childhood. She explained that non-verbal learning – such as images, smells, sounds, and cultural contexts – plays a significant role in constructing these stereotypes. Therefore, discussing gender and sexuality within the context of the Judiciary, as in the seminar, is fundamental to promoting a broader and more inclusive understanding of human dignity.

Jaqueline Gomes stressed that human dignity must not be confused with passive acceptance of naturalized social roles, which often deny rights, affection, and care. Confronting LGBTphobia requires recognizing the stereotypes that shape our perceptions and critically questioning them.

Addressing the role of formal education, she acknowledged that schools – as fundamental cultural institutions in Brazil – play a central role in reproducing prejudices, such as the imposition of gender norms (e.g., blue for boys, pink

for girls). On the other hand, she also identified schools as strategic spaces for educational interventions that promote significant cultural change.

The speaker concluded her remarks by reinforcing the importance of intersectionality as a tool to understand and confront intertwined forms of discrimination, such as sexism, racism, and LGBTphobia. She advocated for educational spaces for youth and adults that go beyond traditional literacy – such as the seminar organized by UNDP and CNJ – as essential for fostering a critical reinterpretation of culture and language. This effort can lay the foundation for future generations to live in a society that truly promotes human dignity.

Carolina Castelliano

National Defender of Human Rights at the Federal Public Defender's Office (DPU)

Carolina Castelliano began her presentation by expressing the honor of participating in the seminar, especially on International Human Rights Day. She highlighted her current role as National Defender of Human Rights at the Federal Public Defender's Office (DPU). She thanked CNJ for the invitation and praised the event as an essential initiative for fostering debate on such relevant topics.

She then explained that her presentation would offer reflections from three intersecting perspectives that have shaped her professional and personal journey: as a Public Defender, as an academic, and most importantly, as a lesbian citizen. These dimensions, she stated, provide a comprehensive lens through which to examine the challenges faced by the LGBTQIA+ population in Brazil.

Castelliano began by contextualizing the role of the DPU, noting that many attendees were already somewhat familiar with the institution. She emphasized that the DPU has a fundamental constitutional mission: to promote access to justice and to defend and advance human rights. She explained that the Defender's work can be understood through two main, though fluid and interconnected, approaches: judicial and extrajudicial action.

From the judicial perspective, the speaker described the DPU as one of the gateways to the Judiciary, especially for the most vulnerable populations. In line with the panel's theme, she highlighted several actions undertaken by the DPU in support of the LGBTQIA+ community. Among them, she mentioned lawsuits filed in various Brazilian states to guarantee the right to undergo gender-affirming surgeries, also known as sexual reassignment procedures. According to the speaker, these legal actions have been indispensable, particularly in states where access to such procedures remains limited.

She continued by warning about the precarious state of public policies related to LGBTQIA+ rights, especially concerning specific issues such as access to gender-affirming surgeries. She then cited other actions carried out by the DPU in partnership with civil society organizations in defense of this population.

One such initiative was a public civil action (ACP) filed in the state of Paraná, in collaboration with several LGBTQIA+ rights organizations. The goal of the ACP was to amend the social security number registration system by replacing the fields "father" and "mother" with the inclusive term "parents." Ms. Carolina highlighted the simplicity and beauty of this proposal, which serves all families in an inclusive and equitable manner.

Another action she cited was Direct Action of Unconstitutionality (ADI) No. 5543, filed before the Federal Supreme Court (STF), which challenged regulations from the Ministry of Health and the National Health Surveillance Agency (Anvisa) that prohibited blood donation by gay men who had engaged in sexual activity within the previous 12 months. Ms. Carolina explained that the Public Defender's Office acted as amicus curiae in this case, contributing to the defense of equal rights. She emphasized that this type of engagement is a source of pride and honor for the institution.

Furthermore, she addressed the DPU's broader role in promoting human rights through strategic advocacy. This work unfolds primarily along two axes: (1) influencing the development of regulations that guarantee rights for the LGBTQIA+ population, and (2) contributing to the design and implementation of inclusive public policies.

Carolina Castelliano also shared other areas of engagement by the Public Defender's Office in defense of LGBTQIA+ rights. Among them, she mentioned participation in the legislative process concerning a bill that seeks to prohibit same-gender marriage. She explained that, in the first half of the year, the DPU took part in public hearings and prepared a technical note on the subject, contributing to the debate with a specialized and evidence-based perspective.

She also highlighted advocacy with the National Institute of Social Security (INSS) to address the need for a specific regulation concerning maternity leave rights for transgender men. According to the speaker, this issue reflects the urgency of regulatory frameworks that embrace gender diversity and guarantee rights for all citizens.

Another significant example was the work related to the civil registration of transgender individuals. Following the historic ruling by the Federal Supreme Court (STF) that guaranteed this right, the fundamental role played by the Public Defender's Office and various civil society organizations in shaping a regulatory framework on the matter became evident. She mentioned that, anticipating the regulation by the CNJ, the Public Defender's Office held a major public hearing to present contributions. This initiative was crucial to ensure that key points were

incorporated into the National Council of Justice's resolution, thereby enhancing protection and accessibility for transgender individuals in the process of amending their civil records.

The Defender continued her presentation by addressing the impact of landmark rulings in the Direct Action of Unconstitutionality by Omission (ADO) and the Writ of Injunction (MI), referenced earlier by the panel's moderator, Dr. Marcel. She emphasized the historical significance of these decisions, particularly the ADO, which featured a pivotal vote by Justice Celso de Mello, redefining the scope of Law No. 7.716/1989 (the Anti-Racism Law) to include LGBTphobia as a form of discrimination analogous to racism.

The speaker explained that these rulings represent a milestone in the STF's jurisprudence, consolidating a new interpretation of the Anti-Racism Law and expanding its reach. She also offered a personal reflection on her career as a Federal Public Defender in the criminal law, a position she has held for 15 years. She confessed that, at the time of the rulings in 2019, she initially felt resistance in fully accepting the decision, due to debates surrounding the principle of legality and concerns that the STF might be legislating through judicial activism.

Castelliano recounted participating in debates at the time, including a roundtable at the State University of Rio de Janeiro (UERJ), where she voiced her concerns. However, with time and further analysis, she came to recognize the alignment of these decisions with the STF's jurisprudential history, especially in earlier cases such as Ellwanger (2003), which addressed racism through the lens of anti-Semitism. According to her, these precedents were instrumental in paving the way for the ruling on LGBTphobia.

She emphasized that the STF's decision went beyond legal interpretation – it prompted a social reorganization, compelling society to reinterpret reality. For the speaker, judicial decisions that confer legal relevance to previously disregarded conduct redefine social values and establish new standards for protection and accountability. She cited the recent criminalization of sexual harassment in the Penal Code as an example – a behavior widely experienced by women but historically rendered invisible in legal discourse.

Carolina Castelliano also mentioned other legislative and judicial advances concerning vulnerable groups, such as institutional gender-based violence and political gender-based violence. She noted that, in many cases, it took a landmark event or emblematic case for these issues to gain legal recognition and be incorporated into the legal system. One such example is the Maria da Penha Law of 2006, which brought domestic and family violence to the forefront of public policy.

Additionally, the speaker addressed the concept of family and the impact of the STF's 2011 decision recognizing same-gender civil unions as family entities. This ruling was crucial for legally including previously marginalized family configurations, granting them recognition and protection under the law. For her, these decisions

not only expand access to the Judiciary but also provide tools for previously invisible conduct to be legally assessed and held accountable. This transformation is essential for driving meaningful societal change and ensuring greater protection for vulnerable groups.

Moving toward the conclusion of her remarks, the Defender highlighted how STF's decision to criminalize LGBTphobia is interconnected with other historic rulings by the Court. She cited examples such as the recognition of the right to change one's first name and gender in civil records, the possibility of marriage and civil union between same-gender couples, and more recent decisions – such as the 2024 ruling – that reaffirm the legal obligation of public and private schools to combat discrimination based on sexual orientation and gender identity within their institutions.

For the speaker, this body of STF decisions not only redefines legal interpretations of social reality but also directly impacts the individuals who are the subjects of these regulations. She emphasized that these advances have the power to positively influence the formation of LGBTQIA+ individuals' subjectivity, enhancing their self-confidence and validating their identities.

Carolina Castelliano referenced the autobiographical book by Edmund White, an American writer, to illustrate how the meanings attributed to identities can profoundly affect people's self-perception. She described White's experience as "a gay child in the 1950s, in a conservative U.S. state, where the word 'gay' was associated with extremely pejorative meanings." This negative reality directly impacted the development of the "self" and the self-perception of LGBTQIA+ children, underscoring the importance of affirming rights through discourse and legal decisions.

She also emphasized that STF rulings go beyond legal or institutional impact – they reach real people, as highlighted by Ms. Jacqueline Gomes de Jesus. These decisions not only promote systemic change but also help transform the everyday lives and subjectivity of LGBTQIA+ individuals. However, Ms. Carolina stressed that these achievements are not linear and exist within a context of historical contingency.

The Defender warned that, despite the progress, the path remains arduous. STF decisions are the result of social struggles and the historical configuration of the moment, but they face setbacks – such as the challenges posed by the current composition of the National Congress. She noted that there are bills aimed at revoking LGBTQIA+ rights, as well as bills that seek to codify STF jurisprudence into law. However, in the latter case, such bills lack support from the Legislative, highlighting the difficulty of consolidating legal advances within Brazil's political landscape.

Concluding her remarks, the speaker thanked the opportunity to share her reflections at the seminar, underscoring the relevance of the debate and the importance of continuing to advance the promotion and protection of LGBTQIA+ rights.

Symmy Larrat

Journalist and National Secretary for the Rights of LGBTQIA+ Persons at the Ministry of Human Rights and Citizenship (MDHC)

Symmy Larrat began her presentation with a self-description, identifying herself as a tall, white travesti woman with chemically blond and straightened hair, wearing silver earrings and rings, and wearing a black and green dress.

She expressed her gratitude to the National Council of Justice (CNJ) for the invitation and emphasized the significance of holding the seminar on International Human Rights Day. She stated that, despite the many demands of the day, it was essential to be present, as the CNJ has been a key partner in initiatives aimed at advancing the rights of the LGBTQIA+ population. She also took the opportunity to invite attendees to participate in an event organized by the Ministry of Human Rights and Citizenship (MDHC) in celebration of the date, scheduled to take place later that same day.

To contextualize her remarks, Symmy Larrat explained that she would address the topic from the perspective of judicial interpretation, linking it to the initiatives developed by the National Secretariat for the Rights of LGBTQIA+ Persons, which is now celebrating its second year of existence. She expressed pride in leading this inaugural journey of the Secretariat within the MDHC.

She then shared reflections on the challenges of understanding LGBTphobia, emphasizing that the binary logic of gender is one of the main obstacles to advancing this understanding. According to the speaker, many legislative and judicial advances fail to adequately consider this issue, which limits the scope of policies and actions aimed at protecting and promoting LGBTQIA+ rights.

She explained that gender binarity is a logic that defines fixed and opposing roles for men and women – a logic that sickens and imprisons society, creating barriers to recognizing violence and discrimination against LGBTQIA+ individuals. She illustrated how society reacts differently depending on the circumstances: if a travesti is murdered simply for being who she is, it may move and mobilize part of society. However, if that same travesti is expelled from a public restroom, the same mobilization rarely occurs. This disparity in reactions demonstrates how the understanding of LGBTphobia as violence is tied to deeply rooted binary values.

Similarly, she mentioned the social resistance to recognizing maternity leave rights for transgender men, exemplifying how binary logic imposes rigid archetypes of man and woman. This rigidity limits the understanding of the needs and rights of individuals who do not fit into these categories, hindering the development of more inclusive public policies.

Symmy Larrat stated that challenging the logic of gender binarity is essential to transforming society. In this context, gender identity and movements that promote non-binarity play a fundamental role. The deconstruction of binarity is a struggle that requires engagement not only from human rights activists but also from those working in public policy, legislation, and the justice system.

She also emphasized how institutional LGBTphobia reflects this binary logic, perpetuating arguments that reinforce patriarchal and discriminatory structures. She pointed out that this logic is so deeply embedded in the DNA of patriarchal society that institutional decisions are often justified by it without questioning its foundations.

The speaker noted that, beyond challenging gender binarity, another significant challenge is overcoming the limited understanding of LGBTphobia – especially in its institutional form. She explained that this limitation hinders more substantial progress, as the acceptance of LGBTQIA+ rights is often conditioned by an arbitrary "social threshold."

According to her, institutional LGBTphobia reflects a cultural barrier in which the acceptance of LGBTQIA+ rights is seen as tolerable only up to a certain point. "Once you turn the corner, it's too much – they're already abusing our goodwill," she exemplified, showing how this perception restricts progress and normalizes exclusion, as if LGBTQIA+ individuals could only access rights to a limited extent, beyond which discomfort arises in society. This threshold is a barrier to transforming judicial decisions and small victories into systemic change.

She also mentioned that, even with important rulings, such as the recognition of same-gender marriage, there remains a disconnect between formally guaranteed rights and their practical application. Rights are not automatically recognized or respected, and many obstacles persist, from access to justice to the implementation of public policies. For the speaker, this demonstrates that legal victories alone are not sufficient to eliminate LGBTphobia and must be accompanied by ongoing efforts to change institutional and social structures.

Symmy Larrat further addressed the challenges in formulating and implementing public policies for the LGBTQIA+ population, emphasizing the need for continuous and coordinated actions to overcome institutional and social barriers. She highlighted important achievements, such as confronting binary logic in healthcare, which enabled changes in various areas, including forms and systems. However, she stressed that these victories must be supported by solid regulations to ensure their reach and effectiveness.

Within the context of the National Secretariat for the Rights of LGBTQIA+ Persons, Symmy Larrat explained that the focus has been on challenging some rules and promoting structural changes in public policy. This work, she said, seeks to advance the debate on gender and identities, confronting anti-gender and exclusionary

agendas that have gained traction both internationally and locally. She pointed out that these agendas have mobilized to try to overturn STF rulings, national council resolutions, and provisions that guarantee rights to the LGBTQIA+ population.

She stressed that one of the greatest challenges is the absence of a comprehensive legal framework for the LGBTQIA+ population. "We have STF rulings and interpretations, but we don't have a statute, we don't have a law," she stated. To address this gap, the Secretariat developed proactive strategies, such as the inclusion – for the first time – of a specific program for the LGBTQIA+ population in the Multi-Year Plan (PPA). This effort was partly driven by a ruling from the Federal Court of Accounts (TCU), issued at the end of the previous administration, which highlighted the absence of policies and resources allocated to this population.

Among the initiatives mentioned, Symmy Larrat highlighted the creation of two key ordinances to guide current public policy: the National Strategy for Decent Work and the National Strategy for Combating Violence Against LGBTQIA+ Persons.

She outlined the main pillars of the National Strategy for Combating Violence, which include: (1) Production of regulations and data: Ensuring the development of regulatory frameworks and the collection of specific data to support public policies. (2) Pilot testing of public policies: Testing and evaluating initiatives before large-scale implementation. (3) Institutionalization of public policies: Consolidating policies based on accumulated experience, ensuring their systematic and permanent application.

Symmy Larrat emphasized that the Secretariat has committed to these actions as part of a planned journey forthe next four years, facing intense and often exhausting challenges. Despite the difficulties, she reaffirmed her commitment to moving forward with resilience and determination.

Regarding the National Strategy for Combating LGBTphobic Violence, she emphasized the extensive scope and diversity of planned actions. Among these, Ms. Symmy mentioned the development of shelters and studies on Citizenship Centers, as well as the need to create a National Data System to consolidate information about the LGBTQIA+ population and its needs.

She noted that, currently, data related to the LGBTQIA+ population is often scattered and not utilized in the construction of targeted policies. In this regard, she highlighted the partnership with the CNJ and other institutions in implementing the Rogéria Form. This tool, developed in collaboration with the Ministry of Justice, the National Council of the Public Prosecutor's Office (CNMP), and the MDHC, aims to standardize the collection of data related to violence against LGBTQIA+ individuals, facilitating analysis and the formulation of prevention and response strategies.

She emphasized that producing data is essential for the visibility of the LGBTQIA+ population in public policy, but she also raised concerns about how data is used. She cited disparities between states, such as Ceará, which leads in violence reports

– not necessarily due to higher violence rates, but due to greater reporting capacity. "Brazil is the country that registers the most killings of transgender individuals, not necessarily the one that kills the most," she stated, underscoring the need for a uniform standard for recording and interpreting data.

Beyond data production, Larrat stressed the importance of producing action – integrating prevention, investigation, and care measures. She mentioned the partnership with the Inter-American Development Bank (IDB) in developing protocols based on best practices and cited the CNJ's Protocol for Judging with a Gender Perspective as an inspiration for the Secretariat's initiatives.

Another issue raised was the financing of public policies. The Secretary criticized the difficulty in accessing resources, highlighting the lack of allocation of funds collected through fines, for example, to initiatives benefiting the LGBTQIA+ population. "We can't invest only in patrol cars and weapons; we need to invest in structures that promote paradigm shifts," she emphasized.

She also mentioned the transformative impact of historic judicial decisions, such as those by the STF concerning LGBTQIA+ rights. For the panelist, these rulings were moments of great progress – comparable to a World Cup final for those who have never seen themselves represented in spaces of power. However, she reinforced that the boldness demonstrated in these legal victories must be reflected in the implementation of public policies across other sectors.

Finally, she highlighted the fundamental role of institutional partnerships and the need to overcome structural limitations within government and other branches of power. She celebrated the contributions of the panel, reaffirming that the fight for human dignity requires continuous and courageous actions to transform social structures and ensure effective rights for the LGBTQIA+ population.

Moderation

Marcel da Silva Augusto Corrêa

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

Moderator Marcel Corrêa concluded the panel by highlighting the richness of the contributions made by the speakers and seeking to weave together the reflections presented. He began by referencing the powerful provocation made by Ms. Jaqueline Gomes de Jesus regarding how the subjectivity of LGBTQIA+ individuals is shaped by prejudice and discrimination, and how justice and public security agents – often influenced by stereotypes – reproduce patterns that define who can or cannot occupy spaces and fully live out their identity, sexuality, and affection.

He connected this idea to the insights shared by panelist Carolina Castelliano on the criminalization of LGBTphobia and the collective impact of such rulings. He emphasized that when the State recognizes certain behaviors as crimes, it sends a clear message that these practices are unacceptable. This legal recognition also influences social perception and the construction of subjectivity.

He then brought in the international perspective addressed by expert Gloria Manzotti, noting that while some Latin American countries are advancing in the criminalization of LGBTphobia, others still criminalize the existence and lived experiences of LGBTQIA+ individuals. He stressed the importance of regional cooperation, considering the colonial and historical processes of exclusion that connect Latin American countries. The exchange of experiences and learning is essential to overcome these barriers.

Reflecting on the categories of sexual orientation and gender identity, as discussed by Ms. Jaqueline Gomes and Ms. Symmy Larrat, he noted that these categories can foster belonging but also delineate margins. He highlighted that Larrat prompted reflection on how these categories often place certain individuals in positions of vulnerability and discrimination simply for living their lives in an authentic manner.

In the realm of public policy, Marcel Corrêa reinforced the work of the National Secretariat for the Rights of LGBTQIA+ Persons, led by Secretary Symmy Larrat, especially in developing the National Strategy for Combating Violence. He mentioned the CNJ's partnership with the MDHC, the CNMP, and the Ministry of Justice in implementing the Rogéria Form, which will be available on the Digital Platform of the Judiciary (PDPJ) in the first semester. The form enables systematic data gathering regarding violence against LGBTQIA+ individuals and includes risk assessment fields – already used in cases of violence against women – to help interrupt cycles of violence.

Finally, the magistrate emphasized that data production must be accompanied by concrete training actions for both the justice and public security systems, promoting an approach that goes beyond punitive measures. He reiterated that addressing violence must be part of a broader context of promoting rights and citizenship, allowing LGBTQIA+ individuals to occupy spaces of leadership, develop their potential, and contribute to building a just and equitable society.

The moderator closed by thanking the speakers and participants, reaffirming the CNJ's commitment to working for human dignity and the rights of the LGBTQIA+ population.

PANEL 4

Qualified Access to Justice for Women: The Experience of Hybrid Courts

PANEL 4

Qualified Access to Justice for Women: The Experience of Hybrid Courts

Carmen Hein de Campos
Professor at UFPel and member of the Maria da Penha Law Consortium

Rosana Leite
Public Defender of Mato Grosso

Livia de Meira Lima Paiva
General Coordinator of Governmental Actions at the Executive Secretariat of the Ministry of Racial Equality (MIR)

Moderation
Luciana Lopes Rocha
Auxiliary Judge to the Presidency of the CNJ

Foto: Divulgação/CNJ

Moderation

Luciana Lopes Rocha

Auxiliary Judge to the Presidency of the CNJ

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ), Luciana Rocha, opened the panel by greeting the participants and introducing the theme: "Qualified Access to Justice for Women: The Experience of Hybrid Courts."

In her opening remarks, the moderator emphasized that hybrid courts for domestic and family violence, as provided for in Article 14 of the Maria da Penha Law (Law No. 11.340/2006), represent a significant innovation by establishing specialized courts with both civil and criminal jurisdiction. This format allows for the integrated handling of criminal aspects – such as the application of urgent protective measures and the accountability of aggressors – and civil matters, including child custody, alimony, and divorce.

The main objective of this model is to offer speed and efficiency in judicial responses to women in situations of violence, preventing them from facing multiple proceedings in different jurisdictions and suffering revictimization. By centralizing these demands on a single court, the goal is to provide more comprehensive and humane service.

However, it is crucial to note that procedural efficiency alone does not guarantee qualified access to justice. For hybrid courts to fulfill their purpose, cases must be analyzed with sensitivity to the patriarchal power dynamics that underpin gender-based violence. Without this perspective, there is a risk of perpetuating decisions that reinforce structural inequalities. This concern also applies to courts with cumulative jurisdiction, especially in rural areas, where the lack of specialization and gender-sensitive approaches exacerbates difficulties in handling domestic violence cases.

To ensure access to justice, it is essential that the entire Judiciary and other institutions incorporate a gender perspective into their analyses. This requires ongoing training of professionals to understand the complexities of gender inequality and the dynamics that characterize violence against women.

In this context, the National Council of Justice (CNJ) has played a strategic role by promoting the Protocol for Judging with a Gender Perspective, established by Resolution No. 492 of March 17, 2023, which sets guidelines to guide the Judiciary's actions in preventing discrimination and gender inequalities. The protocol aims to avoid revictimizing practices, deconstruct stereotypes, and ensure fairer and more equitable rulings for women. To ensure its effective implementation, the CNJ has conducted training sessions, awareness campaigns, and coordinated efforts with courts and other institutions within the justice system.

The moderator then introduced the first speaker, Ms. Carmen Hein de Campos, PhD in Criminal Sciences, Professor in the Masters' Program in Law at the Federal University of Pelotas (UFPel), and member of the Maria da Penha Law Consortium, Themis – Gender, Justice and Human Rights, and Red Alas – Latin American Network of Legal Scholars.

Carmen Hein de Campos

Professor at UFPel and member of the Maria da Penha Law Consortium

Carmen Hein de Campos began her remarks by expressing joy and honor in participating in the II Seminar on Human Dignity, especially in this panel on hybrid courts. She emphasized the importance of creating space for open and constructive debate on the topic.

She then presented her perspective from two key positions that define her trajectory: as an academic, conducting research for years on violence against women, and as a political-feminist activist. She stressed that this dual perspective – researcher and activist – enriches her analyses and contributions, allowing her to approach the topic both theoretically and practically.

Carmen Hein greeted the other panel participants, highlighting the importance of dialogue among the various represented sectors, and contextualized her remarks within the seminar's central theme: the role of hybrid courts in promoting qualified access to justice for women.

She highlighted her role as a member of Themis – Gender, Justice and Human Rights, as well as her trajectory as a representative of the Maria da Penha Law Consortium, the organization responsible for drafting the bill that led to the legislation. The speaker reiterated that her work in the feminist movement, combined with her academic experience, provides a privileged perspective for analyzing issues related to justice for women, enabling her to connect theory and practice in a complementary way.

Addressing the panel's central theme, "Qualified Access to Justice for Women: The Experience of Hybrid Courts," Carmen Hein acknowledged the inherent challenge in the title. She pointed out a paradox in the discussion, noting that although hybrid courts are proposed as an innovative model, they remain a localized experience, currently limited to the state of Mato Grosso, which restricts broader analysis.

The professor shared that, in preparing her remarks, she considered the suggestions provided by the event organizers, particularly the idea of exploring the centrality of victims in hybrid courts. According to her, this approach is essential for evaluating the model, especially considering the critiques developed by the feminist movement

and, in particular, by the Maria da Penha Law Consortium. Carmen Hein argued that such analysis allows for reflection on how hybrid courts could effectively meet the needs of women victims of violence, overcoming structural and institutional challenges. She questioned how it is possible to assess a model still in its early stages, emphasizing that this limitation also presents an opportunity to critically reflect on the system's progress and gaps.

The speaker then contextualized her analysis by looking to the past, affirming that revisiting the trajectory is necessary to understand current challenges. The Maria da Penha Law Consortium, of which she is a member, has completed 20 years, and the Maria da Penha Law itself has been in effect for 18 years. However, despite more than two decades of feminist struggle to promote progress, the agenda of hybrid courts remains stagnant.

Carmen Hein recalled that the Consortium was formed in 2002, when the drafting of the bill that would become the Maria da Penha Law began. At that time, three fundamental pillars were identified for the legislation: **urgent protective measures, comprehensive protection, and the creation of hybrid courts**.

The speaker acknowledged that significant progress has been made on the first pillar, with protective measures becoming a central tool for safeguarding women. She mentioned that there is currently an interinstitutional forum involving the Ministry of Women, other ministries, the Judiciary, and the feminist movement, working to improve procedures and ensure the effective implementation of these measures.

Regarding comprehensive protection, she noted that although resistance persists, actions in this area have advanced, albeit in a limited way. She highlighted initiatives across different levels of government – including the Ministry of Women, state and municipal governments – that demonstrate concern for this dimension.

However, when addressing hybrid courts, Carmen Hein observed that no significant progress has been made since the conception of the Maria da Penha Law. Revisiting the process of creating and implementing the legislation reveals structural resistance within the Judiciary as one of the main obstacles to developing this model. According to her, this resistance is a central element in understanding why hybrid courts have not been broadly and effectively implemented.

She recalled the historical context of resistance from members of the Judiciary to the Maria da Penha Law, highlighting the role played by the National Forum of Special Criminal Courts (Fonaje). According to her, Fonaje was a key political actor at the beginning of the legislative discussions, proposing that cases of domestic and family violence remain under the jurisdiction of special criminal courts, with amendments to Law No. 9.099/1995 to include such competence.

Carmen Hein explained that, at the time, the Maria da Penha Law Consortium – of which she was a member as a lawyer for Themis – had already identified

that special criminal courts did not adequately address the needs of victims of domestic and family violence. These courts operated under the logic of low-level offenses and focused on the perpetrator, which made it impossible to adopt a protective and rights-based approach for women victims of violence.

Thus, maintaining domestic and family violence cases within special criminal courts would mean treating them as minor issues, disregarding their nature as human rights violations, as established by the Belém do Pará Convention and the recommendations of the Inter-American Commission on Human Rights (IACHR) in the case of Maria da Penha Fernandes vs. the Brazilian State. In response, the Consortium drafted and submitted to the Secretariat for Women's Policies (SPM) a bill proposal that called for the creation of specialized courts with both civil and criminal jurisdiction, as established in the current Maria da Penha Law.

However, the speaker reported that Fonaje acted as a strong opponent of the proposal, lobbying intensely with the SPM, which resulted in an initial draft that kept domestic and family violence cases under the jurisdiction of special criminal courts. Faced with this, the Consortium redirected its efforts to the National Congress, where it succeeded in reversing the proposal and consolidating the model of specialized courts in the final version of the law.

Even after the Maria da Penha Law was enacted, Carmen Hein shared that resistance from sectors within Fonaje persisted. This group of judges was the first to challenge the constitutionality of the law and to insist on applying decriminalizing mechanisms provided in Law No. 9.099, such as conditional suspension of proceedings – contrary to the spirit of the Maria da Penha Law. This history of resistance was documented in detail by researcher Rosane Reis in an article published in the book Maria da Penha Law Commented from a Legal-Feminist Perspective (2011), edited by the speaker herself.

Carmen Hein further emphasized that this initial resistance from Fonaje was not limited to hybrid courts but represented broad opposition to the very essence of the Maria da Penha Law, including its innovative proposals for comprehensive and specialized protection of women.

Continuing her presentation, the panelist identified a second moment of resistance to hybrid courts, led by the National Forum of Judges on Domestic and Family Violence Against Women (Fonavid), which succeeded Fonaje. Unlike Fonaje, Fonavid demonstrated commitment to the Maria da Penha Law and worked to improve it. However, the speaker noted that regarding the creation of hybrid courts, Fonavid has adopted a restrictive stance, opposing them through statements (such as Nos. 13 and 35) and various technical notes, particularly against bills introduced between 2018 and 2020.

She recalled her experience in 2012, when she advised the rapporteur of the Joint Parliamentary Inquiry Committee (CPMI) on violence against women. At that time, the rapporteur drafted a bill to implement hybrid courts as provided in Article

14 of the Maria da Penha Law. However, members of Fonavid argued that such a change could lead to court overload and hinder the application of protective measures. Considering these concerns, the rapporteur chose not to present the bill, with the understanding that Fonavid would work internally to overcome the obstacles to expanding court jurisdiction.

In this context, the panelist reported that despite the promises made in 2012, the expansion of hybrid courts remains stagnant. She noted that the main justification presented by Fonavid for resisting hybrid courts has been the argument of court overload and the potential compromise of protective measures. According to Carmen Hein, this resistance reflects a managerial logic that has permeated the Judiciary since reforms that imposed greater demands for productivity – often at the expense of decision quality.

She questioned, however, the lack of empirical evidence supporting these arguments. She emphasized that none of Fonavid's notes or statements present studies or research proving that the creation of hybrid courts would lead to court overload or compromise the effectiveness of protective measures. "Where is the research that says this?" she challenged, reaffirming the need to base such resistance on concrete data.

The speaker also emphasized that the debate on hybrid courts must be guided by evidence and by the perspective of improving access to justice for women – especially in a context where demands for comprehensive protection remain largely unmet.

In her closing reflections on the resistance to hybrid courts, Carmen Hein shared recent findings on the topic, such as the research conducted by Gabriela Campos Garcias on the only existing hybrid court in Brazil, located in the state of Mato Grosso. The study revealed that civil claims in this court account for only about 10% of the total caseload, indicating that the alleged court overload lacks empirical support. Additionally, Ms. Carmen noted that comparisons with other courts show no significant differences in congestion levels between hybrid and specialized courts.

Based on this data, she questioned whether the resistance is truly evidence-based or whether it reflects other factors, such as cultural or institutional barriers. She asserted that it is essential to ground the debate in research and concrete information, pointing out that the absence of hybrid courts has serious consequences for women, including:

(1) Fragmented and incomplete justice, since the absence of hybrid courts forces women to seek assistance in different courts, such as the domestic violence court and the family court, which can make full access to justice impossible. Many women end up limiting their requests to protective measures without pursuing other civil claims.

(2) Invisibility of domestic violence, as research, such as that by Maria Eduarda Porfírio, shows that in family courts, proceedings often omit or ignore the domestic violence context, especially when children are involved. In such cases, the focus shifts to the "best interest of the child," disregarding the rights and safety of women.

(3) Decentralization of victims, in the sense that the absence of an integrated service model shifts the focus away from victims, redirecting the Judiciary's attention toward case management and prioritizing its own managerial logic over the delivery of quality judicial services for women.

Carmen Hein stated that these consequences reflect the urgent need to implement hybrid courts as provided for in the Maria da Penha Law, overcoming resistance that undermines the law's effectiveness. She concluded her remarks with optimism, noting that the current moment represents a "third paradigmatic shift" within the Judiciary. She observed a growing number of judges – including members of Fonavid – committed to rethinking and overcoming historical resistance to the implementation of the Maria da Penha Law. Initiatives such as the seminar in question, organized by the CNJ in partnership with UNDP, reflect this shift by bringing the debate on hybrid courts to the forefront and fostering the construction of joint solutions.

In closing her contribution to the panel, Carmen Hein acknowledged the crucial role of the feminist movement, the Maria da Penha Law Consortium, and allied actors in strengthening this agenda. According to her, Fonavid appears to be moving from a stance of denial to one of affirmation and implementation of the law as originally conceived. In her view, the seminar symbolizes this progress, representing a significant step toward overcoming internal obstacles within Judiciary and consolidating the effectiveness of the Maria da Penha Law. She concluded her presentation by congratulating the organizers for the seminar, emphasizing that it represents a valuable opportunity to reaffirm commitment to women's rights.

Moderation

Luciana Lopes Rocha

Auxiliary Judge of the Presidency of the CNJ

Auxiliary Judge to the Presidency of the CNJ, Luciana Rocha, thanked speaker Carmen Hein for her profound and contextualized reflections, recognizing the importance of addressing the historical resistance faced by the Maria da Penha Law and its implications in the current landscape.

The moderator emphasized that, at the time of the law's enactment, there was a mistaken understanding that domestic and family violence constituted a low-level offense, which contributed to a climate of widespread tolerance toward violence against women.

Luciana Rocha recalled that, in 2009, 70% of cases brought before special criminal courts were related to domestic and family violence, yet only 2% of perpetrators were effectively held accountable. This data underscores the need to reaffirm the Maria da Penha Law as an affirmative action, guaranteeing rights and protection for women in an environment often marked by resistance and paradigm disputes.

She pointed out that current resistance, expressed by Fonavid through statements such as Nos. 13 and 35, maintains the position of restricting civil jurisdiction in domestic violence courts to urgent protective measures, delegating family law matters to specialized courts. According to Fonavid, this stance is based on concerns about court overload and the need to ensure swift application of protective measures.

Luciana Rocha also referenced a 2019 study by the Institute for Applied Economic Research (IPEA), which highlighted the importance of judicial specialization to ensure speed, adherence to the procedures outlined in the Maria da Penha Law, and sensitive service to women. According to the study, specialization also strengthened oversight of protective measures and the presence of multidisciplinary teams – crucial elements for breaking the cycle of violence.

Despite resistance, the moderator highlighted important advances in judicial policy, such as the inclusion of civil protective measures in the CNJ's unified table, allowing family court judges to grant such measures. This development enables greater cross-sectoral application of the gender perspective across different areas of the Judiciary, including family, civil, and labor courts, thereby strengthening comprehensive protection for women.

She also mentioned recent amendments to the Civil Code introduced by Law No. 14.713, which require family court judges to actively inquire about domestic and family violence in custody proceedings. These changes reinforce the centrality of the victim and the protection of children, modifying the default rule of shared custody in cases involving violence.

Luciana Rocha reaffirmed that the current moment represents a third paradigmatic shift, with the Judiciary demonstrating greater openness to dialogue and the development of inclusive judicial policies. She highlighted the work of the Permanent Forum for Dialogue with the Justice System on the Maria da Penha Law, which brings together various stakeholders – including the Ministry of Women, CNJ, the Permanent Commission to Combat Domestic and Family Violence Against Women (Copevid), Fonavid, and the Maria da Penha Law Consortium – to build integrated procedures and promote concrete progress.

The moderator emphasized the importance of overcoming resistance and advancing integration between domestic violence courts and family courts, reducing fragmented service and preventing the revictimization of women. She stated that the pursuit of joint solutions, grounded in the cross-sectoral application of the gender perspective, is essential to ensuring comprehensive access to justice.

Finally, she congratulated the seminar's organization and emphasized that it serves as an invitation for reflection and collective action: "We are always moving forward, with a commitment to overcoming obstacles and building a more inclusive and protective justice system. This is our commitment to women and to human dignity."

With these remarks, the moderator introduced the second speaker, Ms. Rosana Leite, Master in Sociology from UFMT, Coordinator of NUDEM/MT, member of the Committee for the Analysis of Femicide in Mato Grosso, member of the Black Women's Forum, former two-term President of the State Council for Women's Rights of MT, member of the Thematic Chamber of SESP/MT, member of the Network for Attention to Women Victims of Violence in Cuiabá, writer and co-author with contributions to various publications.

Rosana Leite

Public Defender of Mato Grosso

Rosana Leite began her remarks by thanking the CNJ for the invitation, expressing her honor in participating in such a relevant event for human rights and in sharing the panel with women she deeply admires, such as Dr. Carmen Hein, Dr. Luciana Lopes Rocha and Dr. Livia de Meira. She also acknowledged the presence of other notable figures in the audience, including attorney Clarissa Maluf and Federal Regional Court staff member Dr. Gisele Barros, whom she greeted warmly.

The speaker emphasized that discussing violence against women in a seminar focused on human dignity is essential, as such violence constitutes a grave violation of human rights. She noted that moments like this are fundamental for advancing the effectiveness of the Maria da Penha Law, highlighting that the legislation already recognizes, in Article 6, violence against women as a human rights violation – something that must be continually reiterated and debated.

She also explained that the lawmakers who conceived the Maria da Penha Law understood the importance of protective measures at the outset of legal proceedings, ensuring that they could be granted in both civil and criminal spheres. For the speaker, this provision reflects the law's broad and hybrid jurisdiction, which is essential for ensuring comprehensive protection for women.

Rosana Leite pointed out that when a crime occurs in a domestic or family setting, it often triggers a series of related issues, demonstrating the need for a broad and integrated approach to guarantee women's protection and rights.

She further noted that she has served as a Public Defender since 2011, advocating for women victims of violence through the Women's Defense Unit (NUDEM) in Cuiabá. This role has provided her with a practical and sensitive perspective on the application of the Maria da Penha Law. According to the speaker, many

women are not necessarily seeking the conviction of their aggressors, but rather the resolution of their civil claims and the possibility of "turning the page" in their lives. As a rule, these women feel more protected and that their problems are solved when they can deal with these issues in an integrated manner.

Rosana Leite affirmed that the hybrid or mixed jurisdiction of domestic violence courts is essential to fulfilling the purpose of the Maria da Penha Law, which is the comprehensive response to violence against women in Brazil. Despite the resistance faced since its inception, the Defender recalled that the Maria da Penha Law was the subject of intense disputes, having been challenged and even questioned in terms of its constitutionality – requiring a ruling from the Federal Supreme Court (STF) to validate it.

She further asserted that women find themselves in vulnerable situations in any relationship, whether within or outside the domestic and family environment. However, thanks to the Maria da Penha Law, lives that might have been lost have been preserved, and violence against women has come to be treated with the seriousness it deserves by public authorities. She emphasized that this violence affects both direct and indirect victims, noting that children exposed to such situations are deeply impacted.

Drawing from her experience as a Public Defender in the interior of Mato Grosso, Rosana Leite shared her work in small municipalities and correctional institutions, where she spoke with men and women deprived of liberty. When asking about their childhoods, she frequently heard accounts of exposure to violence against women, especially in the domestic setting. Although this was an empirical observation, she highlighted that most interviewees reported witnessing domestic violence in childhood, and many had also been victims of the most severe form of violence – sexual violence.

The speaker stressed the importance of public authorities acting to ensure the effectiveness of the Maria da Penha Law – not only in combating direct violence but also in protecting indirect victims and preventing intergenerational cycles of violence.

For her, the Maria da Penha Law, a landmark in Brazil's human rights framework, still faces challenges in its full implementation, particularly regarding compliance with Article 14, which provides for the processing and adjudication of civil and criminal actions in a single court. She praised the positive example of the state of Mato Grosso, where Judicial Council Provision No. 18/2006 adopted full compliance with the Maria da Penha Law as judicial policy from its inception, enabling broader and more integrated application.

Rosana Leite acknowledged that, although domestic violence courts carry a significant workload, studies such as that by Gabriela Cortez indicate that civil claims represent a smaller portion compared to criminal ones. This reality, also observed in her practical experience and confirmed by other professionals such

as Dr. Clarissa Maluf, shows that the argument of court overload is not always substantiated.

She pointed out that the lack of full implementation of the Maria da Penha Law leads to women's distrust in its effectiveness and in the justice system. She cited a 2019 survey by DataSenado, which revealed that 79% of women victims of domestic and family violence did not file a police report out of fear that the aggression would worsen. This alarming figure reflects a gap between the law's intent and the sense of safety and protection it should provide.

Rosana Leite argued that it is essential to expand the full applicability of the Maria da Penha Law, ensuring that women feel genuinely protected and safe. To achieve this, it is necessary to advance compliance with Article 14, promoting an integrated and hybrid approach in domestic violence courts. She also emphasized the importance of combating women's distrust through concrete actions that ensure comprehensive protection envisioned by the law.

The Defender stressed the need to reflect on the concept of empowerment, often trivialized in feminist discourse. According to her, it is crucial to identify which women need protection and ensure they are effectively supported by the justice system, recognizing their specific needs and vulnerabilities.

She also brought to the discussion the importance of revisiting the origins of feminism, noting that it was initially conceived from a Eurocentric perspective and led by white women. However, she emphasized that today it is essential to recognize the multiplicity of women and their lived experiences to ensure truly inclusive protection. According to her, "if we are not thinking of all women, we are not thinking of any."

Rosana Leite argued that empowerment strategies cannot be standardized: what works for a white woman may not meet the needs of a Black, lesbian, marginalized, or trans woman. This multiplicity also affects how women suffer from the lack of application of the hybrid jurisdiction provided for in the Maria da Penha Law, increasing their vulnerability and hindering access to comprehensive protection.

The Public Defender further emphasized that the lack of integration in the application of the Maria da Penha Law creates several difficulties for women victims of violence, including: (1) Peregrination across different courts to seek their rights while facing emotional and physical fragility. (2) Risks of procedural movement across multiple courts, increasing the possibility of conflicting decisions.

(3) Absence of multidisciplinary teams in family or general courts, which are essential for comprehensive service. (4) Revictimization of women, who often face further aggression after filing civil proceedings.

Additionally, she pointed out that in Mato Grosso, the application of hybrid jurisdiction has yielded positive results, allowing all actions – from divorce to compensation

claims – to be processed in the same court, ensuring greater protection for women.

However, she lamented the negative impact of Law No. 13.894/2019, which introduced Article 14-A to the Maria da Penha Law, restricting hybrid jurisdiction by explicitly excluding asset division. The speaker considered this change a significant setback, which introduced fragmentation and compromised the integrated approach previously practiced in Mato Grosso.

She also addressed Fonavid's Statement No. 3, which limits civil jurisdiction to urgent protective measures, and reflected on Dr. Luciana's observations regarding the application of the Maria da Penha Law throughout the justice system, as indicated by Fonavid's Statement No. 25. In this regard, Rosana Leite questioned whether, in drafting that statement, the broad and comprehensive application provided for in Article 14 and the social purpose of the Maria da Penha Law – recognizing violence against women as a human rights violation – were truly considered.

She reiterated that the primary objective of the Maria da Penha Law is the protection of people, not of proceedings. She emphasized that full application of the law is essential to address domestic violence and resolve family conflicts effectively, highlighting the national and international recognition of the legislation as a milestone in human rights protection.

Continuing her remarks, the panelist recalled that in Mato Grosso, the implementation of hybrid jurisdiction faced resistance – even within the Court of Justice itself, where there were divisions regarding its applicability.

She shared a striking case of a woman who felt exposed and vulnerable when required to provide her address during a family court hearing – a procedure that would have been confidential in a domestic violence court. The episode illustrated how judicial fragmentation can place victims at additional risk, especially in contexts of domestic and family violence.

Rosana Leite reinforced her criticism of the limitations introduced by Law No. 13.894/2019, particularly Article 14-A, which excludes asset division from the jurisdiction of domestic violence courts. This change created a scenario of procedural fragmentation, where protective measures remain under the jurisdiction of domestic violence courts, while civil actions – such as divorce and child custody – are processed in separate courts.

She argued that the absence of an integrated approach can lead to serious consequences, such as femicides that occurred after the filing of civil actions – like the case of Dariele, a woman murdered in Mato Grosso after initiating a child support claim.

She further recalled that the Maria da Penha Law was drafted in accordance with international treaties and conventions, which requires its full implementation under the principle of conventionality control. She cited the Federal Supreme Court's

ruling in Declaratory Action of Constitutionality (ADC) No. 19, which reaffirmed the constitutionality of Article 33 of the Maria da Penha Law, establishing that in the absence of specialized courts, criminal courts must assume both civil and criminal jurisdiction to adjudicate cases of domestic and family violence.

The speaker questioned the contrast between the application of universal jurisdiction in bankruptcy and judicial recovery cases – which deal with assets – and the lack of such an approach for victims of domestic violence, whose human rights and dignity are at stake. She advocated for the implementation of universal jurisdiction in domestic violence cases to ensure comprehensive protection for women.

She also addressed the excessive workload of judges, often cited as a barrier to fully implementing hybrid jurisdiction. Rosana emphasized the need to double the number of domestic violence courts in the country and to expand the application of the CNJ's Protocol for Judging with a Gender Perspective as an essential tool for a more inclusive justice system.

In conclusion, Rosana Leite reminded the audience that the Maria da Penha Law was created for all of Brazil, yet its full implementation remains far from reality. She reinforced that protecting women must be a national priority, and overcoming institutional barriers is essential to ensure that the justice system fulfills its role effectively and comprehensively.

Moderation

Luciana Lopes Rocha

Auxiliary Judge of the Presidency of the CNJ

Taking the floor once again, moderator Judge Luciana Rocha thanked Public Defender Dr. Rosana Leite for her insightful contributions and highlighted key points that require further attention – especially those related to civil disputes and their influence as risk factors. She referenced CNJ Resolution No. 05/2020, which established the National Risk Assessment Form (FONAR), identifying civil conflicts such as custody, visitation, and child support as potential aggravating factors in femicide cases. Luciana emphasized that this resolution underscores the need to prioritize qualified legal assistance, highlighting the central role of the Public Defender's Office in this process.

Luciana Rocha shared her practical experience as a domestic violence judge and coordinator of the Women's Judicial Unit at the Court of Justice of the Federal District and Territories (TJDFT). She mentioned a case in which she preserved the confidentiality of a victim's address during a contentious divorce proceeding, formally requesting that the family court issue the summons without disclosing

the address to the aggressor. This example illustrated how proactive judicial diligence can mitigate risks and protect women in vulnerable situations.

She also highlighted Recommendation No. 13 from the 18th Maria da Penha Journey Charter, which advises judges to avoid scheduling conciliation or moderation hearings in family civil disputes when there is a history of domestic violence – except in cases where the woman freely and knowingly consents.

Luciana Rocha addressed the pressure faced by judges due to the Judiciary's performance targets, such as Target 8, which requires 75% of femicide cases and 90% of domestic and family violence cases to be adjudicated within two years. She pointed out that domestic violence courts often handle significantly more cases than other criminal or family courts, reinforcing the need for structural changes to meet demand.

She also explained that executing civil measures – such as provisional child support or asset seizures – can cause procedural complications in domestic violence courts. While referring civil disputes to other courts is necessary in many cases, she argued that these conflicts must be treated as risk factors and monitored with special attention.

The moderation emphasized that activities carried out during the "Justice for Peace at Home" campaigns – such as network coordination and public policy strengthening – are still not adequately measured. She suggested revisiting statistical tables to include these efforts.

Additionally, she mentioned ongoing efforts to improve the CNJ's National Protective Measures Panel (BNP), stressing that protective measures should remain in effect while the risk persists, with deadlines set only for reassessment. For her, aligning the justice system with human rights protection demands is a continuous process. She reaffirmed the commitment to enhancing judicial tools and policies to ensure comprehensive protection for women, with proper prioritization of demands and attention to the multidisciplinary reality involved in addressing gender-based violence.

With these remarks, the moderator introduced the third speaker, Ms. Lívia de Meira Lima Paiva, PhD and master's in law in the field of Human Rights, Society, and Art from UFRJ (PPGD/UFRJ), with doctoral research conducted at the Instituto de Investigaciones Jurídicas of UNAM/Mexico. She is a tenured professor at the Federal Institute of Rio de Janeiro (IFRJ). She currently holds the position of General Coordinator of Government Actions at the Executive Secretariat of the Ministry of Racial Equality.

Livia de Meira Lima Paiva

General Coordinator of Government Actions at the Executive Secretariat of the Ministry of Racial Equality (MIR)

Lívia Lima began her participation by expressing the honor and responsibility of representing the Executive Secretary of the Ministry of Racial Equality, Roberta Eugênio, who was unable to attend the event due to personal reasons. Upon being invited to join the panel on hybrid courts, Ms. Lívia conveyed her enthusiasm for the topic and emphasized the relevance of the discussion.

She shared her joy in reconnecting with colleagues and role models such as Jaqueline Gomes, Carolina Castelliano, Carmen Hein, Rosana Leite, and Luciana Rocha, acknowledging each one's contributions to the struggle for women's rights. She stressed the importance of listening to historical accounts of activism, such as those presented by Ms. Carmen Hein, especially for younger generations, reinforcing the commitment to honor and continue the legacy of these efforts.

The speaker advocated for institutional advances promoted by the National Council of Justice (CNJ), such as Resolution No. 254, which establishes the National Policy for Combating Violence Against Women and creates Women's Coordinating Offices within the state courts. She highlighted the significant impact of these measures on the practical structuring of the justice system to address domestic violence cases.

Combining her academic and practical experience, Lívia Paiva underscored the need to bridge theory and lived reality to ensure effective protection for women. She reinforced that the debate on hybrid courts requires attention to the practical challenges raised and the construction of solutions that advance comprehensive protection for women.

The panelist continued her presentation by sharing reflections recently discussed at the XVI Fonavid, emphasizing the importance of revisiting and improving the justice system. She mentioned a debate regarding a statement on judicial confidentiality and noted that she successfully advocated for its revocation, which she considered a significant step forward. This experience served as an example of how dialogue can lead to improvements in the application of legal norms.

She then addressed the importance of continuous training for the judiciary, sharing a recent exchange with Judge Camila Guerin from Rio de Janeiro, who serves in a court specialized in crimes against children and adolescents established by the Henry Borel Law. Ms. Lívia expressed concern about the rise in cases involving lesbophobic arguments in statutory rape cases and highlighted the need for close attention to corrective rape, especially in family contexts. Based on this, she proposed to the judge the creation of a specific protocol to support LGBTQIA+ children and adolescents in vulnerable situations, emphasizing that these children face additional layers of discrimination.

She also drew a parallel with her academic experience, reflecting on how legal education can confine students' understanding to strictly normative frameworks. She cited an episode in which law students quickly sought to classify conduct related to a university occupation without considering the social or contextual dimensions of the event. For the speaker, this illustrates a limitation in legal training, which often overlooks analytical possibilities beyond criminal law.

Returning to the panel's central theme, Lívia Lima pointed out the challenges posed by the "legal boxes" that fragment women's experiences within the justice system. She highlighted situations in which women protected by urgent protective measures in domestic violence courts are nonetheless exposed to legal mediation with their aggressors in family courts. This episode, she argued, illustrates systemic challenges and reinforces the need to develop solutions that ensure women's centrality and comprehensive protection.

She acknowledged that arguments for and against hybrid courts had already been thoroughly addressed by previous speakers and the moderator, so she emphasized the importance of maintaining focus on the continuous improvement of the justice system to serve women effectively and respectfully. To contribute to the debate, she recalled a case that marked her first encounter with domestic violence in Rio de Janeiro. The case involved a victim's request to withdraw a restraining order. The reason was that the defendant, a building doorman, risked losing his functional residence and, consequently, his job – impacting the family's income. For the speaker, this case revealed the complexity of judicial decisions in domestic violence situations, where the law must respond to multifaceted and delicate realities.

She also referenced research conducted under the Violeta Project, which aimed to ensure the enforcement of protective measures within 24 hours, rather than the 48 hours stipulated by the Maria da Penha Law. During the study, Ms. Lívia highlighted challenges observed, particularly in judicial duty shifts, and reflected on how procedures and routines within the justice system reveal the judiciary's perspectives on women.

Additionally, she raised another sensitive issue: requests for pregnancy termination. She noted that such requests are often assigned to jury courts in Rio de Janeiro – even when no crime is involved – which, in her view, reveals ideological adherence within the justice system. She cited the case of a woman carrying a fetus diagnosed with Body Stalk Syndrome, a condition incompatible with life. In this case, a priest filed a habeas corpus petition while the woman was already hospitalized with judicial authorization for the procedure. The final decision by the Superior Court of Justice (STJ) prompted reflections on the limits of the right to petition and the judiciary's stance on women's reproductive rights.

Lívia Lima emphasized the need to question judicial jurisdiction assignments, which are often treated as technical-dogmatic matters but, in practice, may reflect

ideological perspectives. She argued that how the justice system perceives a woman requesting pregnancy termination – either as someone exercising sexual and reproductive rights or as a potential offender – directly influences jurisdictional decisions and judicial responses.

She stressed the importance of critically examining the scope of mixed-jurisdiction courts in Brazil, noting the predominance of this model and the limited implementation of specialized domestic violence courts. She mentioned that in Rio de Janeiro, for example, many courts combine the jurisdiction of Special Criminal Courts (JECRIM) with domestic violence cases, raising questions about judicial organization. She proposed that the CNJ conduct a national study to map and understand the characteristics of mixed-jurisdiction courts and assess their impact on the justice system.

The panelist also discussed the importance of the CNJ's Protocol for Judging with a Gender Perspective, which references the case of Márcia Barbosa in its "preamble". She highlighted the relevance of the case, which involved a young Black woman from Paraíba who was the victim of femicide by a member of parliament, highlighting how parliamentary immunity delayed accountability. The case led to recommendations from the IACHR, including the creation of a unified registry disaggregated by race and color in Brazil.

Lívia Lima stressed the need to disaggregate justice system data by race and color, pointing out that underreporting and inconsistencies in data records hinder racialized analysis of violence. She illustrated this with police reports that often assign different racial classifications to the same individual, showing how Brazil's historical whitening is reflected in security and justice systems.

The speaker presented the idea of a Unified Registry of Violence Against Women as a solution for qualified access to justice. She proposed that the CNJ lead the implementation of this registry, integrating data from various institutions and promoting standardization and reliability. She argued that disaggregation by race and color is both a requirement of the Márcia Barbosa case ruling and an obligation under the 2022 Federal Law, which already provides mechanisms for collecting racialized data.

She reaffirmed her commitment to institutional collaboration in building solutions that address historical demands for justice and the fight against violence toward women – especially considering the intersections of race, class, and gender.

Lívia Lima argued that although integrating systems in Brazil is complex, it is feasible to develop a tool that enables data coordination among Executive, Judiciary, and public security institutions. She cited the successful digitization and integration of FONAR data into the Judiciary's Digital Platform (PDPJ) as a positive example. This integration will facilitate access to structured data, allowing information to be analyzed without manually reading PDF documents.

The speaker emphasized that a Unified Registry of Violence Against Women could overcome the current disconnect among institutional systems and offer an integrated view of the "critical path" followed by women victims of violence. Through this registry, it would be possible to access information from healthcare, social assistance, and public security services, as well as judicial case data. This would enable judges, for example, to identify patterns of continuous and systematic violence, understanding that assaults are not isolated incidents but part of cycles or spirals of abuse.

Lívia Lima observed that the justice system is currently too focused on isolated events, while the Maria da Penha Law already signals the need for a more comprehensive and protective approach. She pointed out that cases often remain archived or neglected until a femicide occurs – when the damage is irreversible. She argued that the focus must be on preventing these deaths, rather than reacting only after the crimes.

She shared her doctoral research experience on femicide, explaining how this perspective helps identify systemic failures – especially regarding the disconnect among different records and institutions. She emphasized the importance of recentralizing the victim's role, rather than the aggressor's, as a key element in advancing the fight against violence.

Additionally, the speaker referenced the recent launch of the national policy for traditional Afro-Brazilian communities and religious terreiros (sacred spaces in ancestral Africa-based religions), developed in partnership with several ministries. The public security axis of this policy highlights religious racism and seeks to address such violence in an integrated manner, which, according to the speaker, should also serve as a model for women's policies.

Lívia Lima offered reflections on how structural forms of violence remain invisible within the justice system and how this affects the response to human rights violations. She cited emblematic cases, such as that of Luana Barbosa – a Black, lesbian, non-feminized woman brutally murdered by military police in São Paulo after requesting to be searched by a female officer. According to Lívia, this case illustrates how structural violence – racism, lesbophobia, and class discrimination – is overlooked in the adjudication of isolated facts, failing to address the systemic roots of such aggression. She also mentioned the judiciary's resistance to allowing organizations like Geledés to act as amicus curiae in cases like this, citing "violation of parity of arms" as justification – while ignoring the historical inequalities that affect marginalized groups.

The speaker addressed critiques of the centralization of domestic violence issues in specialized courts, noting that this can relieve other areas of the Judiciary from incorporating a gender perspective. She referenced an argument made by Judge Adriana Ramos in a coauthored book, which highlights how the visibility given to domestic violence by the Maria da Penha Law has concentrated responsibility in specialized courts, excluding other judges from the training and sensitivity needed

to apply a gender perspective. She emphasized that in Mexico, for example, a general law for women's protection offers a broader model that could inspire Brazil.

As part of practical initiatives, Lívia Lima mentioned the Juris Racial platform, launched in partnership with the Office of the Attorney General (AGU). This platform compiles regulations, jurisprudence, and academic research related to the rights of the Black population, aiming to highlight race-conscious decisions and promote affirmative actions. Ms. emphasized the importance of such databases for advancing racial equity within the justice system.

In closing, she recounted a striking case that occurred in a jury trial in Rio de Janeiro. During the presentation of sensitive images of a femicide victim, the prosecution, without prior notice, displayed photos of the young woman's mutilated body. The exposure had a profound impact on the victim's father, who, unprepared, cried out in pain. The MIR representative noted that simple procedural measures – such as informing family members beforehand about the display of sensitive images – could prevent revictimization and ensure greater respect for the memory of women victims of femicide.

Finally, she reinforced the importance of incorporating ethical and intersectional dimensions into legal practice, drawing from feminist and critical race theories to improve procedures and strengthen rights protection. She concluded by affirming the Ministry of Racial Equality's commitment to collaborating in the development of solutions to the challenges raised.

Moderation

Luciana Lopes Rocha

Auxiliary Judge of the Presidency of the CNJ

In closing the panel, the moderator emphasized the significance of the reflections and provocative insights shared by the speakers. She began by highlighting the importance of adopting a holistic view of the justice system, citing the experience of Judge Miram Zampier in Ilha do Marajó. In that region, faced with challenges such as lack of internet access and geographic barriers, a differentiated protocol was implemented for family cases involving women in situations of violence, promoting integrated referrals and comprehensive protection.

She stressed the need for constant vigilance against historical setbacks in combating gender-based violence. She illustrated this with a recent case from Amapá, where defendants in femicide cases sought to avoid trials scheduled during "Agosto Lilás," arguing that the month's public awareness campaigns could influence jurors. Although the injunction was granted, Luciana Rocha reaffirmed the importance of defending progress and resisting attempts to delegitimize visibility and awareness initiatives.

On the topic of research, she emphasized that judicial decisions and policies must be evidence-based. She cited the Mexican example, where the legal classification of femicide was preceded by a study coordinated by Marcela Lagarde, mapping violence across the territory. She underscored the growing role of research in improving judicial administration, noting that studies linked to public policy help identify barriers and solutions – such as the impact of public transportation on women's access to protection services.

The moderator also highlighted the need to integrate qualitative research into the State Coordinating Offices for Combating Violence Against Women, established by CNJ Resolution No. 254/2018. According to her, the presence of researchers in these offices would help map the challenges women face in accessing protection networks, generating concrete data for policy development.

In closing the panel, she reinforced the importance of dialogue and collaboration between the Judiciary, feminist movements, and other social actors. She emphasized the CNJ's commitment to democratizing judicial policies through inclusive dialogue and qualified listening, as exemplified by the newly launched National Forum for Combating Violence Against Women (Fonavim), which includes academics, CNJ, the National Council of the Public Prosecutor's Office (CNMP), and other institutions.

Luciana Rocha concluded by thanking the speakers for their extraordinary contributions and the participants for their presence, affirming that collective construction is essential to ensure access to justice and overcome persistent barriers.

PANEL 5

Challenges in Guaranteeing the Right to Motherhood and Family Life for Women Experiencing Homelessness

PANEL 5

Challenges in Guaranteeing the Right to Motherhood and Family Life for Women Experiencing Homelessness

Tabita Aija Silva Moreira
Researcher at OBIJUV/UFRN

Alessandra Coelho
Director of SUPRAD/BA

Caroline Sarmento
Anthropologist at UFRGS, Collaborator at Jornal Boca de Rua

Joana Basílio
Member of the National Movement of the Homeless Population

Moderation
Pablo Coutinho
CNJ Counselor

Moderator
Luciana Ortiz
Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee

Foto: Divulgação/CNJ

Moderation

Pablo Coutinho

CNJ Counselor

The National Council of Justice (CNJ) Counselor Pablo Coutinho began his participation with an audio description: white man, 1.84 meters tall, wearing a black suit, white shirt with blue stripes, and a blue tie. He was seated behind a panel, accompanied by brilliant women and a baby, in the event auditorium.

In his remarks, he expressed great joy at the realization of the **II Human Dignity Seminar**, highlighting the relevance of the theme addressed by the **National Committee for the Pop Rua Jud**: the challenges of guaranteeing the right to motherhood and family life for women experiencing homelessness.

He noted that the event coincided with a CNJ session and shared an important resolution approved that morning: the mandatory creation of state-level committees for this policy, along with the organization of judicial outreach efforts supported by the courts. These measures aim to prevent management changes from disrupting a public policy that has proven effective in ensuring access to justice for the homeless population.

The Counselor emphasized that, despite progress, much remains to be done in various areas – such as how the Judiciary treats homeless individuals in criminal proceedings, the guarantee of social assistance and welfare rights, and improving physical access to courthouses and other public facilities, which are often inaccessible to this population. He called for a broad and participatory approach, stressing that homeless individuals must be recognized as protagonists of their own rights and futures, and that initiatives must be guided by their expressed needs.

In closing his opening remarks, Pablo Coutinho thanked all attendees, especially the panelists. He expressed confidence that the afternoon would be marked by enriching discussions and informed the audience that, due to the resume of the CNJ session, he would need to leave before the event's conclusion. However, he assured that he would follow the debates later via the recording available on YouTube.

Moderator

Luciana Ortiz

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee

The Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee, Luciana Ortiz, began her participation with an audio description: short-statured woman with short black hair, wearing large glasses and a beige suit.

In her remarks, she shared her joy in joining the panel alongside professionals deeply committed to the cause, highlighting the work of Counselor Pablo Coutinho Barreto, whose efforts have been instrumental in advancing this agenda within the National Council of Justice (CNJ).

Luciana Ortiz emphasized the complexity of the topic discussed at the event, noting that the committee responsible for this policy includes judges, court staff, justice system members, social organizations, and grassroots movements. The group's goal is to build a judicial policy focused on supporting homeless individuals through a multidisciplinary lens.

She pointed out that this is a challenging and cross-cutting issue, encompassing various areas of work – including intersections of race, gender, and disability – as well as specific concerns such as the situation of immigrants and Indigenous people experiencing homelessness. She stressed that Brazil is facing a dramatic moment, marked by a significant increase in homelessness.

Regarding gender, she emphasized the need for special attention to women in this condition, given the social and human impact of their reality. She noted that life on the streets deprives individuals of basic existential rights, which is unacceptable in a country with vast resources and one of the world's highest levels of social inequality. According to current estimates, more than 300,000 people live on the streets in Brazil, deprived of fundamental rights.

Specifically addressing women, she mentioned that they represent about 18% of the homeless population, according to a 2009 study by the Ministry of Social Development. She highlighted that, although the proportion of women increased during the pandemic, the distribution of this percentage varies according to the region. In Roraima, for example, 40% of the homeless population are women – many of them immigrants or Indigenous – further compounding their vulnerability.

Given this scenario, Luciana Ortiz reaffirmed that the National Pop Rua Jud Committee has deepened the gender-focused debate. As part of this effort, a sub-group was created to develop specific protocols for women experiencing homelessness, coordinated by Melina Machado and Dr. Daniel Chiaretti. In this context, one of the main focuses has been motherhood and family life.

At the event, the discussion of a specific protocol on these issues was announced, with the purpose of building a more humane Judiciary that is sensitive to the conditions of homeless women. The judge emphasized the need to provide careful and effective responses – both in access to justice and in the preservation of rights, especially motherhood, which is often under threat. She mentioned that many accounts from homeless women reveal traumatic losses of child custody, often without any prior support or care, in addition to facing other forms of violence, such as sexual abuse.

Luciana Ortiz highlighted that CNJ Resolution No. 425 addresses the issue with great sensitivity. From its drafting, the resolution sought to ensure provisions that protect motherhood, affirming that the mere condition of being homeless must not serve as an isolated criterion for terminating parental rights. She emphasized that it is essential for the State to provide support so that these mothers can care for their children and themselves, with special attention to mental health and the strengthening of family bonds whenever possible. For the judge, there is no greater pain than the removal of a child from their mother.

To illustrate the relevance of the topic, she mentioned the presence of Joana and her baby – an emblematic reminder of the need for care and sensitivity in addressing this issue. She stressed that motherhood and family must be preserved, and that the termination of parental rights should be considered an extreme measure, applied only when all resources and support possibilities have been exhausted.

Concluding her remarks, Luciana Ortiz invited the panelists to contribute to the discussion and announced the participation of Dr. Tabita Aija Silva Moreira, PhD from the Graduate Program in Psychology at the Federal University of Rio Grande do Norte (UFRN), with doctoral internship conducted at the University of Salamanca. She informed the audience that the researcher developed a thesis on motherhood while homeless and the suspension or loss of parental rights. She currently serves as a member of the Observatory on Children and Youth in Contexts of Violence and collaborates with the research group “Motherhoods in Vulnerability” at the Public Defender’s Office of the State of São Paulo (DPE-SP).

Tabita Aija Silva Moreira

Researcher at OBIJUV/UFRN

Researcher Tabita Aija Silva Moreira, member of the Observatory on Children and Youth in Contexts of Violence (OBIJUV/UFRN), began her participation by describing herself as a woman of color with brown skin, according to the IBGE classification, with voluminous curly hair. She mentioned wearing prescription glasses, a beige jacket, and a white blouse with blue flowers.

In her remarks, she expressed gratitude to the National Council of Justice (CNJ) for the invitation and highlighted the joy of being present at the event. She emphasized her satisfaction in sharing this space with researchers, practitioners, and other professionals engaged in the topic under discussion.

Tabita Moreira reflected on the beginning of her journey in the field, recalling that, at the time, research on motherhood in street situations was still a very solitary area of study. She noted that she found support in the academic work of Janaína Gomes, who addressed motherhood and infants – a reference that was essential, especially as she frequently heard statements from the Social Services Network such as: "This doesn't happen," referring to the forced separation of homeless mothers from their children.

She reported that a common discourse among professionals in the Network was the denial of the possibility that homeless women could become pregnant. Even when this reality was acknowledged, questions would arise such as: "Where will this child stay? On the street? These children need to be placed in foster care." According to the researcher, this type of thinking reflects a recurring societal view that questions whether it is worthwhile investing in strengthening these families, especially considering the developmental timeline of the baby and the parents' living conditions.

These issues prompted the Observatory on Children and Youth in Contexts of Violence to better understand this context. A landmark case was brought forward by the Pop Rua Movement in 2018, involving a pregnant woman who, upon arriving at the maternity hospital to give birth, already had a protective measure in place for the institutional placement of her baby. This mobilized the network and organizations such as the Regional Psychology Council and the Human Rights Reference Center at UFRN.

How was this possible, if the Child and Adolescent Statute (ECA) stipulates that removal should only occur in cases of violence? This mother, still pregnant, could not have committed violence. The case involved twins, who were placed in institutional care, and it revealed common markers in such contexts.

First, homeless women are predominantly Black. Often, they do not have partners by their side, and in a patriarchal society, this makes them more vulnerable. Women without a partner are viewed as less capable of exercising motherhood. Furthermore, as in the case mentioned, these women frequently have a history of previous child placements. In this woman's case, she had already lost other children to institutional care, and her partner had died violently. The State's response, once again, was another form of violence.

This context led the Observatory to conduct a study on the compulsory removal of babies from homeless mothers in the city of Natal. Interviews were conducted with healthcare workers, technical teams from maternity hospitals and care services, representatives of the justice system, Street Clinics, and Centro Pop. Dialogues

were also held with two homeless families: a same-sex couple expecting a child and a heterosexual couple who had regained custody of their children. In these meetings with workers and families, a deep mistrust emerged toward services that were supposed to offer protection. When a homeless woman begins prenatal care, she becomes more visible. **And often, the "care" offered translates into separation.**

In many cases, these women return to their families, hide, or avoid health teams as a form of self-protection. One example involved a pregnant woman who had moved back in with her family. On one occasion, while visiting friends on the street, her water broke. She went to the hospital and gave birth. The Street Clinic was called and provided support. On Friday, she was happy, breastfeeding: it was her first son. But by Monday, the baby had already been separated from her, and she was no longer there. The baby was hospitalized, denied breastfeeding, and the removal occurred violently, in front of other women, in a criminalizing tone.

Cases like this prompt reflection on what is understood as "neglect" – a highly relevant debate that has gained traction in recent years. There has been intense discussion on what constitutes neglect and what constitutes care, which in these cases is especially important, as the absence of care is often actually the absence of access to rights such as income, healthcare, and employment. It is not a lack of care due to unwillingness to provide it. Therefore, it is crucial to distinguish between family neglect and State neglect.

It is also necessary to reflect on the concept of care and on how children and adolescents from vulnerable families – predominantly Black – have been served in Brazil, considering the quality of the services offered to them. In Natal, for example, there was no possibility of joint placement for mother and baby. The only available alternatives were the compulsory separation of the child or the legal surrender by the mother – often in contexts where she lacked the means to remain with the baby due to economic hardship. Given this, it becomes essential to question the quality of such a solution, as the surrender of the baby occurs largely for economic reasons.

The frequently propagated idea that "this baby will live better with another family" conceals deep social issues, such as the lack of access to economic resources and citizenship. Adoption must not be used as a solution to mask structural inequalities, such as the lack of access to fundamental rights, income, and dignified living conditions. While adoption is a profoundly important act, it does not solve all problems and must be approached with responsibility.

In Brazil, the prioritization of separating babies from their families is still observed, which evokes a historical pattern of violations that shaped the country's formation. Since the period of slavery, the forced separation of families has been present, and its impacts remain perceptible in the realities of Indigenous, Black, and impoverished populations. It is essential to recognize that many of these women

end up being viewed merely as child-bearers, whose babies are quickly placed for adoption or institutionalized by the State. This process, in a way, perpetuates the logic of enslavement by sustaining the notion that forced separation continues to be a legitimate form of intervention.

Given this scenario, it becomes fundamental to reflect on the concepts of "care" and "protection," questioning how these practices are being applied and whose interests are being preserved in the process.

It is necessary to deepen the discussion on the concept of the "best interest of the child," considering not only the child as an individual but also the context in which they are situated: their family, culture, and territory. A child does not exist in isolation, and this perspective must be central to any analysis – otherwise, we risk reinforcing a notion of "best interest of childhood" based on an idealized and deterritorialized view of childhood.

This aspect must not be neglected in research, in the formulation of public policies, or in judicial proceedings. A child is part of a family, and in the Latin American context, discussing family means, above all, considering the protection of women, who have historically assumed the central role in caregiving and maintaining family bonds.

In Brazil, protecting childhood necessarily means protecting women, who are the primary caregivers of these children. It is essential to recognize mothers, aunts, and grandmothers, who must be valued for their caregiving efforts. It is urgent that we value the efforts of these women, who are often criticized for not providing the standard care expected by society. They have their own ways, their own cultures of care.

As a researcher, criticism was often directed at women who left their children in the care of mothers, sisters, or other relatives. But it is necessary to advance the understanding of these caregiving practices, which stem from other traditions – especially in Indigenous contexts and African-descendant communities – where care is shared with trusted individuals. It is also important to highlight the care demonstrated by women who carry pregnancies to term and care for their children in unsanitary, violent contexts, safeguarding their children's lives. Although these care practices may differ from prevailing conceptions among those present, they also represent legitimate forms of care.

In one of the cases analyzed in the research, a couple undertook long journeys, often on foot and under the sun, to visit their institutionalized children. The couple did everything requested by the professionals, whom they generically referred to as "justice." These are efforts that demonstrate care, even under adverse conditions. Still, professionals reported the difficulty and duality of balancing child protection with the mothers' circumstances, revealing a lack of understanding about this population.

There is also a need to deepen the discussion on the right to origin in Brazil, recovering the country's history and recognizing that the legal and social system was structured around the forced separation of families. A striking example is the Law of the Free Womb, which, despite declaring the freedom of children born to enslaved women, stipulated that they remain under the guardianship of slaveholders until adulthood.

Research shows that many freed women tried, unsuccessfully, to regain custody of their children, being blocked by legal and social barriers. In these cases, the morality imposed by society was a determining factor, sustaining a logic that still reverberates today through criteria that consider moral and financial conditions, and the presence or absence of a partner, as central elements in decisions about whether children remain with or are removed from their families.

In terms of future perspectives, the new CNJ resolutions addressing the homeless population-and specifically highlighting women experiencing **homelessness - stand out positively.** It is important to continue along this path, recognizing that patriarchy continues to influence judicial proceedings.

When analyzing case files, it becomes evident that the population represented is predominantly composed of impoverished, single or widowed, and Black women. Furthermore, it is crucial to highlight that Brazil normalizes separations, as its historical structure was founded on the forced separation of families and the institutionalization of Black children – whether through institutional care or, later, through entry into the juvenile justice system.

In this context, it is essential to reflect on the impact of racism in judicial proceedings, rethinking how women experiencing homelessness and vulnerability are treated when they arrive at the justice system accompanied by their children.

Finally, from a collective care perspective, it is fundamental to ensure that institutional placement is not used to mask racism, nor that adoption serves to justify the forced removal of Black children from their families. Rights protection services must not be perceived with fear and distrust, but rather as instruments of protection, in which families and communities are recognized as partners in promoting care.

It is imperative to value and preserve Indigenous and African cultures, which have historically adopted forms of communal and shared care. Moreover, it is necessary to reflect on the consequences of removing children and youth from their territories of origin – including deterritorialization, the rupture of family and community bonds, and increased vulnerability to premature death – elements that align with the logic of genocide against the Black population. In this context, true care means preventing this genocide, ensuring that these women and children have effective access to protection and citizenship.

Care for this population must not be neglected, especially considering the enormous difficulties they face in accessing the justice system. Even though

some barriers have been reduced – such as the possibility of receiving services without documentation – navigating the legal system remains a major challenge for many of these women.

Reports from professionals working in Street Clinics point to cases of women who, upon being separated from their children in maternity wards, believed they would never have the chance to reunite with them. Many did not even know how to seek help, living with the painful feeling of being disposable. These women were often perceived as useful only for giving birth, but after the child was born, they were completely ignored and excluded.

Analyzing their trajectories reveals a recurring pattern of new pregnancies, increased involvement in abusive relationships, and, in many cases, harmful or abusive drug use. This scenario reinforces the need to address the devastating effects of these separations, ensuring adequate support and effective public policies to prevent the repetition of this cycle of vulnerability and exclusion.

In summary, it is crucial to highlight a fundamental point:: **racism, in its perversity, often manifests subtly in society**, disguised in institutional discourse and practices. In the context of institutional placement, it is imperative to ensure that this measure is not used as a mechanism to conceal structural racism, perpetuating inequalities and deepening the vulnerability of certain populations.

Moderator

Luciana Ortiz

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee

Federal Judge Luciana Ortiz thanked Dr. Tabita Aija Silva Moreira for her presentation, highlighting the depth and strength of her remarks. She emphasized that the presentation clearly demonstrated how this reality permeates Judiciary, given that systems of protective measures, institutional placement, and adoption are directly subject to judicial scrutiny.

Luciana Ortiz reflected on the need to deepen the understanding of these dynamics, recognizing that, in many cases, the system itself ends up reiterating rights violations – depriving mothers of the right to exercise motherhood, to breastfeed, to care for, and to share life with their children.

She concluded her comments by reaffirming the relevance of the topic and expressing sincere gratitude for the researcher's contribution. She then gave the floor to Alessandra Coelho, highlighting her role as one of the coordinators of the "Corra pro Abraço" program – an initiative focused on serving and protecting vulnerable populations.

Alessandra Coelho

Director of SUPRAD/BA

The Director of the Superintendency for Drug Policy and Support for Vulnerable Groups of Bahia (SUPRAD/BA), Alessandra Coelho, began her participation by expressing the emotion of speaking after the presentation by Tabita Aija Silva Moreira. She thanked the invitation to participate in the event and emphasized the importance of seeing such relevant topics being debated in these spaces – especially regarding the need to challenge the Judiciary to rethink issues related to racism. For her, witnessing this evolution 14 or 17 years after graduating in Law is deeply meaningful.

She then offered her auto description, presenting herself as a Black woman with long curly hair, wearing a pink dress with beige and floral patterns, slightly stained from lunch. She mentioned wearing glasses and dental braces. Next, she greeted people experiencing homelessness and their representatives at the event, as well as all other attendees, including fellow panelists and the audience. She asked permission to address the topic of women experiencing homelessness and thanked everyone involved in organizing the event, including the Plural Justice Program, the National Council of Justice, security staff, waiters, sign language interpreters, ceremony staff, and the team responsible for distributing badges and headphones. She emphasized that an event of this magnitude is only possible thanks to collective effort.

She also extended a special greeting to the authorities present and her fellow panelists, noting that she brought notes to organize her thoughts – or, as they say in Bahia, a "pesca." She explained that she has worked with the homeless population for ten years and that, currently, in the administration of the State Government of Bahia, she seeks to deepen this commitment. She took the opportunity to greet the Bahian representatives present at the event, including those who have worked with her in the Corra pro Abraço Program, sending them a warm hug and expressing her respect.

First and foremost, it is evident that the phenomenon of homelessness reflects structural aspects of Brazil's colonial history – a process that has not yet been fully overcome and, from a realistic perspective, shows no concrete signs of short-term change. Nonetheless, despite this challenging scenario, it is essential to maintain hope and continue fighting for social transformation. The abolition of slavery, for example, did not guarantee true freedom or opportunities for Black people to build a dignified future. On the contrary, this population was placed in a position of subordination, without access to the minimum conditions for autonomy and the construction of a dignified life.

This exclusion was exacerbated by structural barriers imposed by racism, which manifests not only through phenotypic discrimination but also through environmental

racism – expressed in precarious housing conditions, lack of adequate shelter, and food insecurity. Moreover, these conditions constitute serious violations of fundamental rights, guaranteed both by the Federal Constitution and international treaties. However, many people living in this reality are unaware of these rights, as they have not had access to education or the information necessary to claim them.

This reality increases the responsibility of those who, as Black individuals, occupy positions of power and representation. It is up to these voices to give visibility to the stories of these populations, building new narratives by calling on violence, resisting and fighting for rights.

For this reason, being present in a space within the Judiciary, addressing topics such as motherhood among homeless women, the right to life, mental health, and access to opportunities is profoundly significant. Although these rights are formally guaranteed by law, in practice, they are systematically denied – imposing new penalties on these women, who have already been punished throughout their lives.

In Bahia, the situation is alarming, with a growing number of people experiencing homelessness. Currently, around 15,000 people are registered in the Unified Registry (CadÚnico). However, this number is likely even higher, as many individuals are unable to access public policies or register due to lack of documentation and various other barriers that hinder access to services.

Although fewer in number, women experiencing homelessness face even greater vulnerability, as public policies aimed at this population have largely been designed for men, who are the majority.

Most of these women are Black and share similar profiles with those who occupy vulnerable territories in the State of Bahia – such as those who stand in line to visit their partners in prison units. The suffering of these women is multifaceted, often marked by cycles of violence, especially sexual violence.

Many of them end up in relationships with abusive men as a form of protection, attempting to avoid further violence and abuse. However, this strategy often exposes them to even greater vulnerabilities, intensifying their risk. These women face significant challenges in accessing the justice system, especially when their children are abruptly and traumatically removed – often still in the maternity ward, immediately after birth. This type of intervention further exacerbates their vulnerability, hindering their social reintegration and access to basic rights.

When these women use drugs, their situation becomes even more complex, as drug policy – rather than promoting care and support – fuels a true war against them, criminalizing and intensifying their stigmatization. Women who use drugs face even higher levels of violence and social exclusion. They are often viewed as irresponsible, unruly, and incapable of caring for themselves, let alone their children. In practice, this perception places them in a state of extreme vulnerability, further restricting access to basic rights and essential services.

The reality observed in the territories where these women live and are accompanied daily reveals a systematic violation of human rights. Many of them lose their dignity entirely when they are disqualified as mothers, receiving stigmatizing labels that classify them as incapable. However, empirical experience shows that the emotional bonds and care they establish with their children are often stronger than those formed in institutional care settings.

Unfortunately, many of these children – mostly Black – are never adopted. They remain in institutions until they turn 18, without concrete prospects for the future, as Brazil is not prepared to offer adequate support and education for these youths. As a result, many of these children end up living on the streets, perpetuating an intergenerational cycle of exclusion and vulnerability. In this scenario, it is observed that women who spent their childhoods in institutional care often end up homeless, become pregnant, and tragically have their children sent to the same institutions where they spent part of their lives – reproducing a continuous cycle of social exclusion and institutionalization.

Women, throughout this process, are rendered invisible by public policies. They only become visible when their bellies grow – when the State notices them. This same State that never gave them access to housing, education, leisure, employment, or safety; that did not protect them when they were assaulted by partners, abused by relatives, or violated on the streets. Often, it is not even known how these women became pregnant. And the most basic question – whether they want the child – is not even asked. A future for them and their children is planned without their active participation.

The termination of parental authority, which should be an exceptional measure, unfortunately remains the norm. Despite the law, practice tells a different story. In Bahia, for example, there are directives from authorities for cases involving homeless women or women who use substances to be automatically referred to the Juvenile Court upon admission to the maternity ward. The result? Many women, after giving birth, leave the maternity empty-handed, without their children. In some cases, they are offered only one option: to enter a therapeutic community or lose custody of the child. This decision occurs because there are not enough shelter vacancies for these women. It is a high-demand requirement – institutionalization – that many women will not be able to sustain.

This punitive and exclusionary logic echoes the legacy of slavery, as analyzed by Angela Davis and Bell Hooks. **The bodies of these women are treated as instruments for producing commodities: their children**, who are often taken from them and placed for adoption. This process exposes structural inequalities, reflected in adoptions that occur suspiciously quickly – especially when they involve white families with greater purchasing power.

Protective measures for terminating parental authority, which should be exceptional, become almost predetermined sentences, turning into the norm. In this context,

the Judiciary contributes to the perpetuation of these injustices by imposing requirements that the institutions themselves cannot fulfill. Often, it mandates institutionalization without ensuring adequate vacancies; demands drug abstinence without offering effective support; imposes complex bureaucratic procedures and fragmented hearings that require travel and costs that are unfeasible for people in vulnerable situations.

Moreover, legal vocabulary is inaccessible, representing an additional barrier for these individuals. Many do not even understand the summons they receive, which compromises their right to a full defense and due legal process. As a result, they do not have real access to justice. The difficulty in meeting all the requirements imposed by services operating within the justice system reflects a broader problem: society, in general, still does not fully understand that access to justice and fundamental rights should be guaranteed to all people, regardless of their social condition.

Often, people experiencing homelessness cannot even access courthouses and tribunals. Despite advances in judicial policies, these changes have not yet been fully implemented across all states and territories. There is significant institutional resistance, especially regarding the need for ongoing training – which, in many cases, is not a priority for most Judiciary staff.

Another aggravating factor is the difficulty in reaching the extended families of these individuals. Those who work with or research the homeless population know that, in most cases, family ties are broken or extremely fragile. However, the Judiciary rarely considers community relationships as part of possible solutions.

In practice, other family models exist, but these arrangements are not respected by institutions. Many of these individuals have lived on the streets for 10, 15, or 20 years and have lost contact with their nuclear families. Nevertheless, community networks and emotional bonds often serve as essential support – especially for women. Within these territories, women strengthen one another, helping each other during pregnancy, postpartum, and motherhood. However, this flow of support is neither recognized nor valued by actors within the protection network.

From this perspective, some initiatives seek to counteract this exclusionary logic. Examples include the “Corra pro Abraço” program, Street Clinics (Consultórios na Rua), and Psychosocial Care Centers (CAPS), which operate under differentiated approaches. These services have mobilized networks of assistance, health, and justice within territories, aiming to dismantle the standard flow that frequently penalizes this population.

There is even a technical note from the Ministry of Health from 2016, which already instructed Street Clinics to provide care to homeless women – especially those who use drugs. However, the Judiciary often ignores or fails to reference these recommendations, resulting in the perpetuation of practices that disregard established public policies and reinforce barriers to accessing fundamental rights.

In Bahia, a specific case mobilized the protection and assistance network to rethink the care flowchart in maternity hospitals. This episode highlighted the urgency of integrating services and revising practices, demonstrating that the current system fails to guarantee dignity and rights to people experiencing homelessness. Although much remains to be done, these efforts indicate that it is possible to move forward in building a more just and inclusive model.

The Corra pro Abraço Program, the Street Clinics, the Public Defender's Office, and the Public Prosecutor's Office have played a fundamental role in this context. In Bahia, there is a specialized unit within the Public Defender's Office dedicated to defending the homeless population, which contributed to the creation of a motherhood working group. Although it remained inactive for some time, there is now hope for its reactivation, with the goal of mobilizing the network and discussing strategies to protect and strengthen motherhood.

It is essential to approach motherhood from a broad perspective. The right to motherhood is not limited to a woman's ability to become pregnant, give birth, and care for her child – it also encompasses the child's right to have a maternal, emotional, and caregiving reference. When basic resources such as food and dignified living conditions are lacking, that responsibility must fall on the State, not on the women. For this reason, maternity hospitals were prompted to rethink their procedures – initially causing some discomfort – to ensure that referral services were called as soon as these women entered the healthcare system. As a result, a statewide flowchart was developed to guide care, allowing maternity hospitals, even amid difficulties, to start referring services.

A technical note, drafted and validated by the National Movement of the Homeless Population, remained shelved for some time. However, with the reactivation of the State Health Committee for the Homeless Population, it became possible to redistribute the note and formalize the care flow, ensuring that the rights of these women are not violated in spaces that should be dedicated to care and protection.

Social movements and services have reinforced the importance of implementing this flowchart and guaranteeing the rights of these women and children. In parallel, some initiatives include legal professionals acting as legal educators, as seen in the Corra pro Abraço Program. This work has focused on supporting women whose rights have been suspended or revoked – often leading to the termination of parental authority. The goal is to demystify legal processes, explaining terms such as summons, notification, and termination of parental authority, and helping these women understand the importance of attending hearings and accessing the Public Defender's Office.

Additionally, the generic nature of some defenses provided by the Public Defender's Office has been questioned, as they often fail to consider the specificities of each case. One point raised is that, although a homeless person may not have a fixed

residence, they may be linked to a service with an address, allowing summons to be delivered and ensuring that the person can be located.

In this regard, a closer approach has been adopted with these women, accompanying them to hearings and other institutional spaces, with the aim of interrupting the systematic flow of child removals – which, unfortunately, still prevails. Despite the challenges, some progress has been made. Some children have remained in the care of their mothers, receiving education, love, and protection, thanks to efforts that halted or prevented the termination of parental authority. This work involves empowering these women, informing them of their rights, and fostering community support networks.

Considering the role of the Judiciary, it is long overdue for all federal units to fully adhere to the judicial policy for the homeless population. This adherence would represent a fundamental first step, which must be prioritized and advocated for to ensure the effectiveness of actions aimed at this population. It is essential to implement a continuous training process for legal professionals, so that judges, prosecutors, public defenders, and other justice system actors understand the reality of people experiencing homelessness. Currently, many judicial decisions are made by individuals who have never had direct contact with these realities. This calls for a critical examination of the standards being used to determine what is best for these individuals and highlights the need for mandatory sensitization and training.

The lack of prioritization for such training reflects the institutional reality. In one concrete situation, 90 people opted for a self-defense course, while only 10 participated in a training session on care for the homeless population. This data reveals what is being prioritized within institutions and reinforces the need for structural actions to change this logic. One possible solution would be the creation of recognition seals for institutions that adhere to the judicial policy and train their staff. Judges must also be required to undergo this training process.

It is crucial for the Judiciary to listen directly to the homeless population, allowing these women to share their pain and experiences. Conducting outreach actions in the territories where these individuals live could be an effective strategy, expanding access to information about each stage of judicial processes and identifying ways to facilitate the flow of rights protection.

Another fundamental issue is the need for coordination between the Judiciary and the Executive Branch to ensure effective conditions that allow homeless women to exercise their right to housing. Housing programs must prioritize this population, ensuring that these women are placed at the top of housing assistance waitlists. Without access to housing, many women lose fundamental rights, perpetuating cycles of vulnerability. Therefore, it is urgent to reverse the current logic, which imposes successive rules and bureaucracies without offering real conditions for accessing basic rights.

Another crucial point is the presence of multidisciplinary teams in Juvenile Courts. It is not possible to address this issue without trained professionals who have expertise in policies for the homeless population. Many of these women manage, to some extent, to organize their lives – they build shacks, occupy buildings – but upon losing custody of their children, they face a Judiciary that imposes unrealistic demands, such as proving ownership of appliances, furniture, and toys, and guaranteeing regular meals, when they often do not even know if they will have food the next day.

The difficulties imposed by the system make visits to care facilities virtually impossible. The lack of financial resources and the long distances between services and these women's temporary residences end up spacing out these visits, making it even harder to reconnect with their children. It is essential for the Judiciary to listen to these women. We must ensure that other Joanas, Alices, and Lucineias have a voice – women whose stories represent the lived reality of many mothers experiencing homelessness.

The existing care network in the territories must be valued, involving services such as Street Clinics, Psychosocial Care Centers (CAPS), and Pop Centers. These services have in-depth knowledge of these women, whom the Judiciary rarely encounters and often considers "absent," appointing guardians to represent them without having properly listened to them.

These women are not absent – they simply do not know they can access the courthouse without suffering further institutional violence. A real commitment from the justice system is needed to rethink its strategies for welcoming and listening. Listening to the streets is indispensable. Everything presented comes directly from this reality – from over ten years of experience working with this population.

Many of these stories are documented in research, while others, due to shame and the weight of the pain they carry, could not even be included. Still, moments like this bring hope. They show that it is still possible to build a more just Brazil for these women – and, consequently, for society.

Moderator

Luciana Ortiz

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee, Luciana Ortiz, began her remarks by thanking Alessandra Coelho for her presentation, highlighting the strength and impact of her message, which speaks directly to the justice system. She emphasized the importance of listening attentively to these reflections, as there is much to be discussed and improved.

Luciana Ortiz stressed that no institution, in isolation, can guarantee the rights of the homeless population, especially regarding motherhood and the complexity of the issue. She argued that collaborative work is essential to ensure a broad set of rights that allow women to exercise motherhood with dignity.

She noted that Alessandra Coelho's speech brought profound reflections and highlighted an important point mentioned by the CNJ Counselor who was attending the event: "Everything she's talking about was approved today." Luciana explained that this was the result of an intense struggle over the past year, and that the policy known informally as "Pop Rua Jud" – a more accessible name due to its formal length – is progressing toward becoming an institutional seal.

She mentioned that recent efforts led to the mandatory creation of state-level committees and the organization of outreach efforts across Brazil, aimed at sensibilizing the judiciary to the realities of the homeless population. She emphasized that by experiencing this reality firsthand, judges can begin to rethink values, prejudices, and stigmas.

The judge observed that what is often lacking is knowledge, sensitivity, and, above all, a deep understanding of the real Brazil. She pointed out that Judiciary is largely composed of individuals who have had access to quality education and are unfamiliar with the dramatic realities faced by many people in vulnerable situations. For this reason, she reinforced the importance of this public policy, praising the tireless work of the CNJ Counselor, who has actively participated in outreach efforts and encouraged judges to leave their "ivory towers" and go to the streets to witness the reality of homeless individuals, especially women.

Demonstrating sensitivity, Luciana Ortiz made a public apology to Joana Basílio, acknowledging a lack of consideration regarding her participation in the event. She explained that, following the event's protocol, Joana had been scheduled to speak last and close the panel, but she realized that this decision was not the most appropriate, considering Joana was holding her baby.

She then expressed great anticipation for Joana Basílio's remarks, emphasizing that her voice represents a collective struggle and that her experience offers a vital perspective on motherhood and homelessness.

Luciana also shared that she had attended an event the day before at the Ministry of Human Rights, focused on women experiencing homelessness, one of the topics of the Seminar.

Finally, she addressed Joana directly, offering her the floor with affection and recognizing the importance of her testimony – adding that even her baby, present in the room, was quietly waiting to hear her speak:

"With great affection, Joana, I give the floor to you and to your baby as well, who is right there, quietly waiting to hear your words. The floor is yours."

Joana Basílio

Member of the National Movement of the Homeless Population

Joana Basílio began her remarks by greeting everyone present and offering her self-description. She described herself as a Black woman of medium height, jokingly adding that she often says if she were a bit taller, she'd be even more "retada" (*sassy*). She noted that she was there with her youngest child in her arms and shared that she is the mother of eight children – four of whom have been taken from her custody.

Joana greeted Dr. Luciana Ortiz and all the attendees. She mentioned the judge's presence at the previous day's gathering, emphasizing that it was a significant event filled with women experiencing homelessness who shared their diverse stories.

She highlighted the tremendous effort required to organize that meeting and emphasized its historical importance. For the first time, something different was observed: women with lived experience of homelessness inside the Palácio do Planalto, discussing their own policy. This time, it wasn't others speaking on their behalf – it was the women themselves, directly expressing their demands and claims to those in positions of power.

This is especially important when discussing motherhood among women experiencing homelessness. Homelessness is a temporary condition, but the judiciary often assumes that a baby born to a mother in this situation cannot remain with her and must be placed in foster care. It's as if the mother is discarded. It's surreal. It's surreal to think about that. She spoke from personal experience, fully aware of how painful it is.

> *It's cowardice. When you're experiencing it, she said, you don't fully understand what's happening. How can someone who carried and nourished a baby for nine months be separated from that profound bond based solely on judgments about her living conditions? Would a baby, accustomed to the body that gave it life, truly wish to be taken from its mother?*

For the speaker, these separations serve a system that responds to the needs of others – not to those of homeless women. It is not understandable where the idea comes from that, by living on the street, a woman automatically loses the ability to care for her child. "There are countless stories – mine is one of them – of women who transformed their lives through pregnancy, motherhood, and the act of caring for someone."

Joana Basílio affirmed that this is a new moment, an opportunity to reaffirm that homeless women bleed, breathe, and deserve to live with dignity. She rejected the stereotypes often assigned to these women, emphasizing that they are not "lazy" or people who "don't want anything from life." She emphasized that living on the street is not a choice, it is the result of circumstances that led them there.

She defended the need to ask these women what they want before making decisions about their lives – whether they want that baby or not. For her, these women must be heard. She explained that the violence many of them have endured throughout their lives can be so intense that it affects even their ability to desire motherhood, due to accumulated trauma. Often, those who should offer protection end up despising them, which harms the formation of the emotional bond between mother and child.

She reinforced that society must recognize the right of these women to mother and to form a family. She highlighted that they are frequently violated and assaulted on the streets, and this reality must be confronted and transformed.

Removing a child should be the last resort, taken only in extremely serious cases – not based on poverty or assumptions about these women's capabilities. Ultimately, they're judging us for being poor. "For supposedly not being able to give our children bread. Many of us, even with very little, raise our children with affection – something that nourishes the soul and helps form less violent adults, strengthening society."

In her presentation, she shared her own experience and perspective:

> I'm a mother of eight children. I raised four with great effort, and now I care for Théo, my youngest. Even though I didn't raise four of them, I count all eight – mothers always count all their children. I will never let my children go hungry. They may only have rice, beans, and eggs, but they'll eat with a mother's love, and that nourishes the soul. That kind of care is essential to raise less depressed people, less violent adults, and ultimately build a more peaceful society. Preserving family is preserving humanity.

Joana Basílio invited reflection on how much could be avoided and how much could be preserved if there was effective care for mothers experiencing homelessness. She asked how many lives could be transformed if these women had a real opportunity. She herself received support through Social Assistance and was able to change her reality. She wanted to care for her children – but even if she hadn't, she still deserved a dignified life.

She questioned how many children are born and raised in favelas or peripheral neighborhoods, many deemed inadequate, and yet go on to do extraordinary things in life. Instead of judging these mothers' living conditions, the State and society should guarantee rights, encourage improvements, and support those in need. She cited the words of Dr. Luísa, a Juvenile Prosecutor in the Federal District, who pointed out that laws are often prioritized to such an extent that the human being is forgotten in the process.

Joana stated that she did not choose to be born a woman or to live on the streets. That condition led her to become reactive, aggressive, seeking self-defense, and to turn to alcohol and drugs as an escape from reality. It was the system that created this situation, violated her dignity, and contributed to the worsening of her condition. If something had been done earlier to change her reality, or even her mother's, her story could have been different.

She reflected on the impact of structural conditions on life trajectories, noting that if her mother's reality had been different, her own path might have changed. Her mother, a Black woman from Espírito Santo, arrived in Brasília illiterate, abandoned by her father, and responsible for nine siblings. From a very young age, she faced extreme hardship: she began smoking marijuana at age five, worked in other people's kitchens, and later married an abusive man who subjected her to various forms of violence.

Despite adversity and lack of affection, her mother managed to raise her children – but within a deeply fragmented family. Analyzing her own journey, Joana Basílio declared that she chose to break that cycle. She declared that she would not allow anyone in the family – the family she had built – to relive what her mother, Ms. Maria, went through. She affirmed with conviction that she would not allow this history to repeat itself and highlighted that this decision was only possible because she sought knowledge and fought to change her own destiny.

She reiterated her life story, already shared in other forums: the Child Protection Council entered her home and took her four children. The courts stripped her of parental authority. And afterward, no matter what she did, regaining custody was nearly impossible. The Judiciary judges these women as incompetent – often without any investigation. If there's suspicion of drug use, they don't even bother with a toxicology test; they simply decide we're users. That's the reality. I lived it. It's a wound I carry.

After her children were taken, it felt like she had lost the right to be a mother. But she challenged the system. She became pregnant and gave birth to Maria Clara, who is now seven years old. At the time, Joana had no way to return home; her daughter's father was in prison, and she had no support network – no mother, no emotional ties to her family. Her emotional bonds were built outside her family,

along her life's path. She lived on the streets with her daughter. To survive, she began collecting cans and managed to rent a modest house. She didn't have much – just rice and beans – but she decided: "I will raise my daughter, and no one will take her from me."

Soon she became pregnant again, this time with Ana Cecília, while already employed in social outreach. So, she got pregnant and continued building her family. But when she was pregnant with Théo, the Child Protection Council returned to her door. Incredibly, it was the same counselor who had taken her children years before. This time, the speaker was involved in the social movement and knew what to do. She called the Disque 100 hotline, told her story, and filed a report.

Even so, it was a tremendous shock. She was nervous, trembling, unsure of how to act. Her husband tried to calm her, but the situation was overwhelming. In that moment, she found a strength she didn't know she had. Years earlier, alone and without support, she couldn't defend herself. But this time, she did. She confronted the counselor. For her, it was like slapping society in the face and saying: "I am Black, I am poor, I've lost my children, I've lived on the streets, I've been incarcerated – but I can raise my children. I can because the social movement empowered me, gave me strength, and recognized me as a human being. It gave me the capacity to raise my children."

Today, her daughters are empowered. Maria Clara knows her story. She says: "I was born when my mother was living on the streets." Because of this lived experience, Joana Basílio asked everyone present to look at mothers experiencing homelessness with empathy. They need not only empathy, but affection, understanding; we need to let them raise their babies.

She closed her presentation with a powerful and necessary statement:

> *Carrying a child is not easy. Giving birth is painful. So don't take that right from us. A child can save a mother's life, just as a mother gives her life for a child. It's a transformative relationship. We cannot place on a child the responsibility of changing a mother's life – but it's impossible to deny that such a small being can transform anyone.* ***No matter how much authority someone has, the greatest authority is us. We are the ones who carry, gestate, feed, and nurture these children.***

Moderator

Luciana Ortiz

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee, Luciana Ortiz, highlighted the power of Joana Basílio's testimony. She observed that when discussing the issue of homelessness, it is not enough to remain confined in offices, adopting academic discourse and believing one understands this reality better than those who live it daily. For the moderator, Joana Basílio's speech revealed how much ignorance still exists about this reality – and more seriously, how institutional decisions and practices can cause pain and perpetuate injustice.

She advocated for progress in understanding these issues and affirmed that the event marked a starting point on that path. She called the day historic for the cause, recognizing that Joana Basílio is part of that history. Her struggle, strength, and journey are inspiring, and Luciana took the opportunity to thank her for all the reflections and lessons shared.

Following this, she announced the continuation of the panel, marked by strong emotions, and introduced the next speaker: Dr. Caroline Sarmento, PhD candidate and master's in social Anthropology at the Federal University of Rio Grande do Sul (UFRGS). In addition to her work as a collaborator and activist with the newspaper Boca de Rua, she is a member of the Anthropology and Citizenship Research Group and a researcher with Anthera, an international network focused on family and kinship studies, and Rema, a transnational network researching violated, dispossessed, and abused motherhoods.

Caroline Sarmento

Anthropologist at UFRGS, Collaborator at Jornal Boca de Rua

Anthropologist Caroline Sarmento from the Federal University of Rio Grande do Sul (UFRGS), and collaborator with Jornal Boca de Rua began her remarks by thanking the organizers for the invitation. She mentioned being invited by Janaína Gomes and expressed special gratitude to Zuleica Garcia for her attentiveness during prior communications.

She noted that, without prior coordination, the presentations ended up complementing each other, with each speaker having a different perspective on the same issue, as previously mentioned by Alessandra Coelho and Dr. Tabita Moreira.

She thanked the audience for their presence and the opportunity to share her experience. She then offered her audio description: a white woman with tan skin, curly brown hair, and large glasses. She was wearing a white jacket and silver jewelry.

Discussing her background, Caroline explained that she is part of Jornal Boca de Rua, a publication created 24 years ago in Porto Alegre. The newspaper is produced by people experiencing homelessness and, as far as she knows, is the only one of its kind in the world. People living on the streets participate in every stage of the editorial process – from selecting topics to selling the newspaper on the streets.

She mentioned that during the pandemic, the newspaper launched a digital version, allowing online subscriptions. Lightheartedly, she took the opportunity to promote the initiative, inviting attendees to follow the profile @jornalbocaderua.

Regarding her academic journey, Caroline shared that she began working with the newspaper ten years ago through an extension project in her undergraduate Social Sciences program. For her, the university led her to activism in the newspaper, and in turn, the newspaper was fundamental to shaping her academic research, including her doctoral work.

In her presentation, she displayed a cover of Jornal Boca de Rua, illustrating one of the team's recent reports. She explained that the newspaper is published quarterly and highlighted that this edition covered the tragedy that occurred in Porto Alegre in April and May 2024, when a fire at Pousada Garoa, a shelter operating under contract with the city government, resulted in the deaths of at least 11 homeless individuals. The case received media attention for only about a week, until news of the city's flooding dominated coverage. However, she emphasized that the newspaper's team continued to insist on reporting the fire, asserting that such a tragedy must not be forgotten.

She described the cover image, which portrayed the tragedy as a "double dose" of disaster: the floodwaters and the fire at Pousada Garoa, alongside other tragedies affecting the homeless population in Porto Alegre.

Additionally, she presented another photograph showing an end-of-the-year barbecue, a tradition of Jornal Boca de Rua. She explained that, although not recent, the image holds special meaning as it represents a moment of recovery after the pandemic's impact, marking an effort to restore community life.

With this introduction to the newspaper, she transitioned to explaining the origins of her research. Her focus is on the removal of children from women with street trajectories. By "street trajectory," she refers to women who have lived on the streets at some point. Some do not use the street as permanent housing but rely on it for survival – watching cars, selling newspapers, and other activities. These women also come from working-class backgrounds, from favelas and peripheral neighborhoods, and this context is essential to understanding the complexity of their stories.

The mark of poverty – especially among women – is something Caroline has been mapping over time. In 2016, Jornal Boca de Rua, then 15 years old, published its first article focused on women. This topic has gained relevance in recent debates, making her presence at the seminar even more significant. Talking about women in the context of homelessness is essential, and it is important to bring this discussion to such a relevant event, with timely themes, like those being addressed in this space of dialogue promoted by the National Council of Justice.

Historically, women have been rendered invisible – or at best, marginal – when discussing the homeless population. In recent years, this issue has gained slightly more visibility, which is something to celebrate. The article "Donas sem Casa" (*Homeless Women*) is an example. A curious fact: it was published the same week as the famous Veja magazine cover titled "Bela, Recatada e do Lar" (*Pretty, Prudish, and Housewife*). The contrast between the two pieces is striking, as they address the violence women face in various spaces – whether in shelters, their own homes, families of origin, on the streets, or with partners. That was the focus of the 2016 report, which also brought attention to the issue of child removal from homeless mothers.

On the cover of the newspaper were about 10 to 12 women who, at that time, had lost their children to the State. This was a key point denounced in the article. Another critical issue was the compulsory hospitalization of Rita, a pregnant woman living on the streets (accompanying the presentation were various images from Jornal Boca de Rua – the full recording of the lecture is available on the CNJ's YouTube channel).

Rita was a pregnant woman whose image was presented to the audience during the event. She was in the final stages of pregnancy in the summer of 2016, undergoing prenatal care while living on the streets. Due to absurd bureaucratic barriers, she was unable to secure a spot in a shelter and ended up sleeping on the sidewalk in front of one. At the time, the city offered only one shelter for families, with capacity for just four or five families. This raises a crucial question: what is the State doing to support these women and their children? The continuous separation of mother and child is at the heart of the discussion. Rita was arrested at the hospital with full police force and remained in custody until her scheduled delivery. She had completed all prenatal appointments.

Her baby, Dalessandro, was taken from her in the maternity ward and placed under third-party custody, without being sent to any relatives. After the removal, Rita's health deteriorated, and she died approximately nine months later, in the spring of 2016. The photo Caroline shared was part of a special report honoring Rita, who had been an activist in the national movement and with Boca de Rua. At the time, people said Rita began to die the moment her child was taken from her arms. For Boca de Rua, the State was responsible for her death – due to the lack of public policies and the absence of care.

The recurring question is: what do we do with a woman who uses crack in front of a shelter but is attending prenatal care? It seems irreconcilable, but it's the reality we must confront. After Rita's death, the community experienced mourning and, simultaneously, mobilization.

Women who had left the newspaper returned, and others already involved with Boca de Rua joined forces to try to recover the children the State had taken from them. They sought help, saying they didn't want what happened to Rita to happen again. Many didn't know where their children were, having lost them after sudden removals, sometimes without warning, or even while under anesthesia in the hospital.

These women wanted to find their children, and that became the starting point for a task force within the newspaper. Although the speaker refers to herself as a collaborator, since she does not have a street trajectory, her role in the newspaper has been to support these reports and other tasks that arise in the process. In this context, she began accompanying women in their searches and visiting the children who were located.

The objective of following these women in search of their children was to try to discover where the children they had no news of were and to visit those they managed to locate. This led to the publication of a 2017 edition of Boca de Rua, with the cover headline: **Por que não podemos ser mães?** (*Why Can't We Be Mothers?*). The cover photo was taken during a visit to a shelter, where a mother reunited with her daughter after a long time. This article is considered one of the first broad public reports of forced child removal in the state of Rio Grande do Sul.

One of the questions proposed for this panel was precisely to contextualize this issue in Rio Grande do Sul, and it can be affirmed that Boca de Rua was responsible for bringing this discussion to light – including prompting a public hearing at the Legislative Assembly in 2018 to debate the removal of children from women in vulnerable situations – not only those living on the streets, as Caroline emphasized.

The 2017 article presented various stories of these women, each with its own particularities, and opened doors for dialogue with colleagues from Bahia, Rio Grande do Norte, Brasília, and other regions. Despite local specificities, the stories are strikingly similar. The question "Why Can't We Be Mothers?" inspired the title of Caroline's master's thesis, defended in 2020 in the Graduate Program in Anthropology at UFRGS.

One of the most emblematic moments of her research was a statement shared by a colleague, quoting a health professional during an interview: **"I'm not worried about the mother. As far as I'm concerned, she can die. I'm worried about the baby."** This statement was made while discussing the case of a woman who used crack but was domiciled. Although not homeless, she faced a moralizing gaze regarding substance use – alcohol and drugs – which often underpins decisions in health and social services, assuming a punitive role.

These situations reveal how moral judgment determines who is deemed fit to care for children. For example, in the case of a domiciled woman whose child's father assumed caregiving responsibilities, even partially taking on the maternal role, this arrangement was not accepted. According to prevailing logic, the mother must be the one to care for the child.

This issue continues to manifest in alarming ways, such as in the case of Andrielle in Florianópolis in 2021 – a case that gained significant attention and is being investigated in Caroline's doctoral research, with a focus on sexual and reproductive rights. She was very young and had had her daughter taken from her immediately after birth, without knowing where the child had gone. After extensive searching and legal support, it was discovered that, in addition to the removal, Andrielle had been sterilized without her consent. This is a clear example of reproductive control, increasingly discussed in the context of women in vulnerable situations and central to Caroline Sarmento's doctoral work.

She also highlighted two news stories from 2018: The case of Janaína Quirino in São Paulo, who was judicially sterilized after having seven children and using alcohol and other drugs. A cooperation agreement between the SUS (*Brazilian public health system*) and pharmaceutical company Bayer for the implantation of intrauterine devices (IUDs) in girls living in shelters in Porto Alegre. These issues, addressed in Boca de Rua, have sparked a growing awareness movement among women and the homeless population.

She concluded her contribution by sharing the stories of Silmara and Sabrina – fictional names of *Boca de Rua* colleagues that illustrate the struggle of these women for their rights and a better future for themselves and their children. Silmara became pregnant nearly ten years ago. Four months into her pregnancy and beginning prenatal care, she suffered a miscarriage. Upon examining the baby's body, she found an oxidized IUD – something she didn't know was there. She suspects it was inserted during a previous childbirth, when she was still a minor and living in a shelter.

A similar situation occurred with Sabrina, who gave birth as a teenager and was taken to a shelter. Since then – nearly 20 years ago – she reports having had unprotected sex but never becoming pregnant. She believes something may have been done to her body, such as tubal ligation, without her consent.

These women share a common trajectory: removed from their families for various reasons, placed in shelters, became pregnant, and were subjected to compulsory contraceptive use – such as IUDs, tubal ligations, or hormonal implants.

One emblematic case is Ana Paula, who, at age 11, began receiving injections of a white liquid in a shelter in Porto Alegre, without knowing what they were. Today, in her early 30s, she discovered those injections were contraceptives. She also suffered physical violence, with shelter staff breaking her arms twice while restraining her for the injections.

These actions were taken authoritatively, without dialogue, sexual education, or informing these girls about what was happening to their bodies. Boca de Rua has called this a "vicious cycle": women have their children taken, those children go to shelters, where not all are considered "adoptable." When the girls reach adolescence, they begin using contraceptives, and upon turning 18, many end up on the streets – since Brazil lacks effective deinstitutionalization policies.

This reproductive control also carries a eugenic ideology, prompting reflection on how society values certain bodies as "fit" to reproduce, while others are deemed "unfit" and must be controlled – or even erased. **Many women who request tubal ligation, as provided for in the Family Planning Law, are unable to obtain it. This scenario reflects the reproductive control of certain bodies, while others are neglected**.

In 2024, Boca de Rua published a second exposé with the cover headline "Cadê meu filho?" (*"Where is my child?"*), presenting a historical overview of the removal of children from their mothers – from slavery to the present. The publication also discusses how the issue of women and their children in vulnerable situations has gained visibility, especially through collaboration with the Public Defender's Office of the State of Rio Grande do Sul, highlighting the difficulties faced by homeless individuals in accessing rights such as legal defense.

Caroline Sarmento concluded by sharing an image from a poster-making workshop for the cover of Boca de Rua, and a photograph of a tattoo that a colleague had made with the initials of her children – who had been taken from her. That tattoo is all she has left – a permanent mark that carries the pain of separation. In closing, Caroline recounted a harrowing story published in an earlier edition of the newspaper. It involved a child who was removed from her mother following neighbors' reports of drug use by a relative. The girl was adopted but suffered abuse, was returned to the shelter, and adopted again. By age five, she had endured a series of abuses and neglect. At 18, she ended up on the streets. This girl is the daughter of a Boca de Rua colleague and exemplifies the lack of support and structural failure that enables a third generation of women and children to experience homelessness.

The reality shared is painful and often difficult to face, but Caroline left the audience with a reflection: What futures can we build for these women and their families – futures that no longer perpetuate the same experiences shared throughout this panel?

Moderator

Luciana Ortiz

Federal Judge in São Paulo and Executive Coordinator of the National Pop Rua Jud Committee

Luciana Ortiz closed the panel by praising the intensity and depth of the discussions presented. She noted that the testimonies were marked by pain and struggle, revealing the reality of many people who, even on the day commemorating the Universal Declaration of Human Rights, still have no access to social rights or care. She acknowledged that Brazil is still in its infancy when it comes to policies for the homeless population, demonstrating how structural failures persist in this area.

Luciana shared a personal experience from a judicial outreach effort in São Paulo, where she was called to assist in a particularly severe case. She recounted finding a young woman lying on the ground, surrounded by her belongings and clutching a kitten – refusing to let go or accept help. During the conversation, the young woman revealed the extreme suffering she had gone through. Crying intensely, she recounted that, after distancing herself from the group she usually stayed with, she was raped throughout an entire night by multiple individuals – a brutal and unrelenting act of violence.

As the conversation progressed, the young woman disclosed that she had cancer, with surgery scheduled for the following week, and that she was also pregnant. Despite everything, the kitten she held was her only source of affection and emotional connection. What initially seemed like a simple case of sheltering turned out to be a complex challenge, as the young woman would have to leave her animal behind to receive care – something she refused to do. A joint mobilization of several institutions was required, effectively conducting a conciliation hearing so she would agree to leave the streets and prepare for surgery.

Luciana Ortiz stated that this story illustrates, in a painful and realistic way, how society continues to fail in recognizing and addressing the multiple layers of violence affecting the homeless population. She mentioned that the most recent data from a public consultation on violence against this population is alarming and lamented the lack of police investigations into these occurrences. Often, there are no inquiries into the loss of children by these women, because society assumes this reality “should happen,” without question.

For the moderator, policies for the homeless must begin within everyone – as members of society. We can no longer allow so many violations of human rights, like those shared throughout the panel. She reinforced Joana Basílio's words, stating that these are stories of exclusion, and that there is no justification for judging or stigmatizing those who are on the streets, as no one is homeless by choice, but rather because, as a society, we have chosen to ignore more than 300,000 people in this situation.

She concluded by stating that the panel was intense and impactful – but necessary. She expressed hope that, in the future, Human Rights Day can be celebrated with different stories: stories of resilience, inclusion, and respect for human dignity

PANEL 6

Initiatives for Action in Climate Crisis Situations – An Analysis from the Perspective of Environmental Racism

PANEL 6

Initiatives for Action in Climate Crisis Situations – An Analysis from the Perspective of Environmental Racism

Márcia Soares
Chief Executive Officer, Themis
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Júlia Neiva
Deputy Director,
Conectas Human Rights

Moderation
Patrícia Perrone
Secretariat of Advanced Studies, Supreme Federal Court

Foto: Divulgação/CNJ

Moderation

Patrícia Perrone

Secretary of Advanced Studies, Supreme Federal Court

The Secretary of Advanced Studies of the Federal Supreme Court, Patrícia Perrone, opened the panel by framing the discussion around climate crisis through the lens of environmental racism, marking nearly ten years since the Paris Agreement, aimed at limiting global warming to 1.5°C above pre-industrial levels. The moderator pointed out that the ten-year milestone brings discouraging news, revealing the State's failure to ensure sustainable development, despite the planet's persistent signs of exhaustion and fragility.

Patrícia Perrone recalled major climate disasters in Brazil, including the massive flooding in the state of Acre, which affected 120,000 people, and another in Rio Grande do Sul, which impacted over 2.5 million people, with more than 800,000 losing their homes. She also emphasized that we are experiencing an extreme drought in the Amazon; all the traditional peoples who depended on those mighty rivers to survive now have before them a terrifying sight of completely dry riverbeds. Patrícia reminded the audience of widespread wildfires across the country, such as those in the Pantanal, which severely damaged local fauna.

Regarding climate change mitigation, Perrone stated that nearly everything remains to be done. The populations most affected by climate change – such as Indigenous and Quilombola communities – are those who contribute the least to its causes. The moderator recalled that in 2019, the National Council of Justice (CNJ) issued Resolution No. 296/2019, establishing the Permanent Commission for Monitoring the Sustainable Development Goals (SDGs) of the 2030 Agenda, aimed at tracking progress in climate and human rights implementation. That same year, the CNJ also signed the Pact for the Implementation of the SDGs in the Judiciary. More recently, the Judiciary's National Environmental Policy was created.

Perrone pointed out that despite all these efforts, all the complaints and climate litigation actions, the situation is still far from what was expected. Given this context, the moderator emphasized that the objective of the panel is to reflect on these situations arising from the climate crisis, as well as to think of new strategies for a problem which is not new, but it has gotten worse.

The moderator then gave the floor to the first panelist, Júlia Neiva, Deputy Director of Conectas Human Rights.

Júlia Neiva

Deputy Director
Conectas Human Rights

Júlia Neiva began her presentation by expressing her personal emotion at participating in the two-day seminar, noting that December 10th is Human Rights Day. Despite the troubling news and ongoing violations, she affirmed that the struggle continues.

The panelist greeted her fellow panelists, moderator Patrícia Perrone, and Justice Barroso, extending her thanks to colleagues from the CNJ, UNDP, the YouTube audience, and all those who made the event possible, including those who served coffee and provided security. She also thanked Janaína Gomes and Zuleica Garcia for the invitation and congratulated the CNJ for convening such a relevant seminar and for its resolutions and actions.

Júlia Neiva pointed out that her contribution comes from the perspective of someone in civil society, in this case, from a human rights organization. Before starting, she wanted to share an interview with Nego Bispo, who unfortunately passed away. In this interview, Júlia recalled, Nego Bispo said that, as a society, we need to prioritize "being" instead of "having."

Neiva emphasized that she brought these reflections so that the interlocutors could keep in mind the magnitude of the challenge ahead. She stressed that it is not only about confronting the multiple crises affecting the planet, as widely discussed throughout the two days of the event, but also about facing the ethical struggles that humanity must confront, provoking an important reflection by questioning what model of life is being left for future generations, including daughters, sons, granddaughters, grandsons, and those yet to come.

For the speaker, humanity is living through a moment of crisis that challenges us to rethink who we are and how we occupy our place in a profoundly unequal and violent world. In this scenario, it becomes essential to confront what has been considered one of the main emergencies of our time: the climate crisis. For this, it is necessary to find quick and effective responses capable of mitigating its impacts and promoting significant transformations.

Júlia Neiva recalled the events that took place in São Paulo, Minas Gerais, Bahia, Rio Grande do Sul, and the extreme drought in the Amazon, highlighting that the time for swift responses is increasingly scarce. For her, when observing these tragedies, it becomes evident that many of them could have been avoided, but instead, their impacts were extremely perverse, further aggravating the vulnerability of the affected populations.

The speaker then recalled an element often forgotten in discussions about climate change: the situation of Human Rights Defenders, especially those who work to protect territories and defend climate and agrarian issues. She warned that these people face death threats, constant intimidation, and put their own lives at risk to protect the planet and preserve their cultures and ways of life.

Neiva stated that, within this context, she would like to present three fundamental aspects. The first aspect addressed was the relationship between climate, environment, and human rights, with a brief analysis of Brazilian climate policy. Next, she proposed a reflection on the connection between environmental racism and climate justice, highlighting how these issues are intertwined. Finally, she mentioned that she would briefly address the issue of climate litigation in Brazil, reinforcing its relevance in confronting environmental crises and ensuring rights.

The panelist commented that, throughout the two days of the seminar, the discussions broadly addressed Human Rights issues and reaffirmed that these rights are intrinsically related to the environment. This link was recently recognized by the United Nations, an institution that, despite facing crises, remains the main international human rights protection system. This recognition by the United Nations of the right to an ecologically balanced environment as a human right is extremely important. Júlia Neiva also mentioned that more than 100 States have incorporated this right into their Constitutions and argued that the Brazilian Constitution is a positive example of this recognition.

Neiva endorsed an important element of the Brazilian Constitution, which was also the subject of debate in Brasília during a seminar organized by the Supreme Federal Court (STF) in 2023: the relationship between the constitutional economic order and environmental protection. For the speaker, this relationship is a fundamental pillar of national development and is expressly provided for in the Constitution. She explained that it is an inexorable logical corollary, meaning that the right to a safe, balanced, and stable climate is directly linked to the fulfillment of this constitutional principle.

For her, it is not possible to guarantee a balanced environment without effectively curbing climate change. In this scenario, she pointed out that the Brazilian State must adopt a broad and integrated agenda for energy and ecological transition, aligned with human rights agendas, and this transition must be just, inclusive, and based on respect for human dignity, in addition to directly confronting the structural racism that exists in Brazil.

Without addressing these issues concretely, there will never be full democracy in the country. She emphasized that it is essential to treat climate change with the seriousness it deserves, recognizing its direct impacts on society. She commented that, back in 2008, the United Nations Human Rights Council approved a resolution expressing concern about the rapid advance of climate change. At that time, a

study was also prepared on the relationship between climate change and human rights, showing that environmental impacts can lead to the immediate violation of various fundamental rights.

To exemplify this reality, Júlia Neiva cited the events that occurred in Rio Grande do Sul, which demonstrated, in a concrete way, how climate change exacerbates inequalities and compromises access to basic rights. In Rio Grande do Sul, entire communities lost their homes due to intense rains, just as occurred on the coast of São Paulo in 2023, where countless families also lost their homes, their lives, their culture, and loved ones. These tragedies represent serious violations of fundamental rights, including the right to life, health, housing, adequate food, and the self-determination of peoples.

The United Nations Human Rights Council reaffirmed more recently that a clean, healthy, and stable environment is a human right – a recognition that was endorsed by the UN General Assembly. However, for this recognition to become an effective global agreement, it is necessary to restore multilateralism, which is currently weakened and under constant attack, especially due to the rise of extremism – not only in Brazil but in several countries. In this scenario, the defense of democracy is fundamental, because without it, it will not be possible to ensure concrete progress in the protection of human rights and the implementation of effective measures against climate change.

Another important element highlighted by the speaker was the creation, in 2022, of a UN special rapporteur to address the impact of climate change on human rights. This mandate was established by the United Nations as a recognition of the need for monitoring and action on this issue.

The first appointed rapporteur was Ian Fry, who worked as a climate negotiator, bringing his experience to the international agenda. Currently, the role is held by Elisa Morgera, a specialist in the intersection between environment and human rights. Júlia Neiva expressed the expectation that this mandate will have a significant impact.

In 2015, the Paris Agreement was signed, establishing various obligations for both States and companies. A significant milestone for the planet, given that many environmental crimes are committed by corporations, exacerbating climate change and its socio-environmental impacts.

In connection with the National Council of Justice's resolution, Júlia Neiva pointed out the relevance of the Sustainable Development Goals including climate as a fundamental right for achieving development. Being part of the UN 2030 Agenda reinforces the global commitment to climate justice and environmental protection as essential elements for guaranteeing human rights.

Regarding the situation of Human Rights Defenders, Neiva brought the Escazú Agreement into the discussion, highlighting the importance of its ratification by Brazil. The agreement presents essential mechanisms for transparency, accountability, and institutional redesign, which could strengthen the protection of those who work to defend human rights and the environment. In the context of climate change, States are obligated to act both domestically and internationally, in an approach that has been called a multilevel agenda. She explained that this approach involves legal frameworks at different levels: national, regional, and international, ensuring greater coherence and effectiveness in climate policies.

Furthermore, the panelist continued, States will need to restructure their economies considering decarbonization and a just transition within these frameworks. Still within the scope of the international discussion, Júlia Neiva pointed out that the Inter-American Court of Human Rights is undergoing a "greening" process and is conducting consultations with civil society and States regarding what the Court should consider about the impacts and the relationship between human rights and the environment.

In this context, in 2017, the Inter-American Court of Human Rights issued an Advisory Opinion on Environment and Human Rights, establishing obligations for States in environmental protection. In 2024, hearings were held by the Inter-American Court in Manaus and Brasília, focusing on the Climate Emergency. This discussion is no longer limited to the environment, climate, and human rights, but addresses the climate emergency as an urgent and inescapable crisis.

This emergency is justified by the fact that several countries are at risk of disappearing from the map due to the impacts of climate change. In the context of the Americas, Brazil is one of the most vulnerable countries, especially in coastal regions, which may be drastically affected by rising sea levels. Another example mentioned was the case of Barbados, often cited as one of the countries most threatened by the advance of climate change.

These hearings were organized as part of consultations with civil society and States, aiming to broaden the debate and strengthen commitments to environmental and climate protection. These consultations respond to a request from Colombia and Chile, countries that have been quite progressive about how to transform their domestic policies to address the impacts of climate change.

Still on the consultations, Júlia Neiva praised the strong participation of civil society and directly affected communities. During the hearings, representatives of Indigenous communities, Black communities, Quilombola communities, and traditional populations were present, which is shown to be fundamental and long demanded – the guarantee of the presence of these voices in decision-making spaces.

She pointed out that the testimonies heard throughout the two days of the seminar, which exposed various human rights violations, reinforce the need for

active listening to these populations. She questioned what solutions could generate real impacts in their lives, whether through reparations for environmental crimes or in the case of mothers experiencing homelessness because of climate change.

The speaker urged the Brazilian Supreme Court and the National Council of Justice (CNJ) to closely follow the ongoing discussions within the Inter-American System, reinforcing the importance of maintaining engagement with civil society and ensuring spaces for active listening.

When addressing Brazilian reality, **Júlia Neiva brought forth an essential concept for the connection between human rights and climate change: climate justice.** She explained that, within Brazilian legal frameworks, this concept is still not widely expressed, as it is not clearly mentioned in national laws. However, she reported that in the Nationally Determined Contribution (NDC) declared this year there was a mention of the concept, representing progress in recognizing its importance.

For Neiva, defining climate justice is relevant, as it is through this concept that one can more deeply discuss the confrontation of structural racism, both in Brazil and in other countries.

The speaker argued that if society does not adopt a perspective that includes climate justice, nor invest in adaptation strategies – considering that it is already difficult to speak of mitigation – it will be impossible to face the impacts of climate change with the necessary speed and seriousness.

She recalled that the Brazilian Nationally Determined Contribution (NDC) received much criticism for not being more ambitious in its environmental commitments. However, she pointed out a positive aspect, which was the inclusion of the concept of climate justice in the document, understood as an approach to combating social, racial, and gender inequalities, among others, and promoting human rights, particularly the rights of Indigenous peoples and traditional populations, in addressing climate change, with special attention to vulnerable groups. She also noted that this concept has been a central element in the Brazilian Government's international negotiations this year, demonstrating an effort to strengthen the agenda on the global stage.

Regarding the National Policy on Climate Change (PNMC), Júlia Neiva pointed out that the policy faces management difficulties, as the institutions responsible are in conflict over their mandates. She emphasized that this lack of coordination is not limited to the PNMC but also occurs in other environmental and climate policies. On the other hand, she highlighted a positive development, although it requires continuous monitoring: the approval of new Climate Adaptation legislation in June 2024, despite the challenges imposed by the current National Congress. She explained that this legislation could significantly contribute to protection and to addressing Brazil's structural inequalities – including social, generational, and racial inequalities – provided it is properly incorporated into public policies.

According to the speaker, this new legislation fills an existing gap in national climate regulations. Currently, Brazil has:

- The National Policy on Climate Change (PNMC), from 2009.
- The National Adaptation Plan for Climate Change, from 2016.
- The Climate Plan, which is under development by the federal government and undergoing various public consultations.

Given this context, she emphasized the relevance of ensuring that this new plan brings a racialized approach, incorporating climate justice as a cross-cutting element in public policies. For the effective implementation of the National Policy on Climate Change (PNMC) and climate justice in Brazil, Júlia Neiva argued that the process must be broad and transversal, ensuring impact not only in the environmental sphere but across all public policies. She cited a relevant experience that occurred in the United States in 1994, when an interministerial working group on Environmental Justice was created, bringing together representatives from all ministries to integrate the agenda across different areas of government.

In Brazil, she explained that similar discussions are underway, but this process needs to be more effective and institutionalized. Within the scope of the Judiciary, this issue must be incorporated into judicial decisions, because without such integration, there will be no real impact on people's lives.

The panelist presented an example of a specific policy that should incorporate the racial component: environmental licensing. She mentioned that there is a bill under discussion that could pose an even greater risk to people's lives and to biomes if not properly formulated. One of the main points raised in the debate is the need for this legislation to include a socio-environmental licensing perspective, ensuring that social and racial impacts are also considered in the evaluation and authorization process of projects.

The panelist also discussed the importance of creating protocols as an essential mechanism for the prevention and mitigation of environmental and social impacts. The National Council of Justice (CNJ) has developed various types of protocols, and in her view, specific preventive protocols could be created for climate change, as well as for environmental licensing, ensuring a more attentive approach to the impacts on directly affected populations.

As an example, she cited the Mariana disaster, caused by the dam collapse, emphasizing that perhaps the tragedy could have been avoided, since it was foreseeable. Without delving into the specific case, she pointed out that a different approach to environmental licensing could have led to more adequate risk management, especially considering that the affected territories had already been suffering from mining impacts for over 200 years and were home to racialized populations. In this way, it became clear that a more attentive view of the realities of

these territories and the adoption of a more rigorous socio-environmental licensing model could have prevented or reduced the damage caused by tragedies like this.

Another recommendation brought by Neiva, which applies to the environmental field, the climate field, and perhaps other areas of Human Rights, is the need for affected communities – those in highly asymmetrical relationships with the State and/or companies that violate their rights – to have access to and the right to independent technical assistance. This is something the Judiciary could consider when analyzing climate and environmental cases.

Additionally, she highlighted the correlation between climate and environmental racism, a very specific topic that, in Brazilian context, cannot be separated from structural racism. She explained that although it is also possible to speak of climate racism, first and foremost, it is environmental racism, since climate change is strongly related to factors such as race, gender, age, and geographic location. She stated that the main people affected by socio-environmental catastrophes – whether natural or caused by human actions – are peoples and communities in vulnerable situations, which was already expected and widely discussed throughout the two days of the seminar.

For her, it is essential to direct attention and efforts toward these populations with seriousness and commitment, reinforcing the importance of a racialized lens within the perspective of climate justice, as pointed out at the beginning of the panel. Furthermore, she stated that it is no surprise that girls and women are among the first groups to suffer the impacts of climate change, reinforcing the need to consider gender perspectives in the formulation of mitigation and adaptation policies and strategies.

The panelist also brought up a situation observed both in the Mariana case and the Southeast Asian tsunami, which highlights the differentiated impact of disasters on women. In both disasters, several women were found clinging to their babies, demonstrating that even in the face of imminent death, they did not let go of their children, because motherhood is also that – an inseparable bond of life, as discussed throughout the seminar.

The panelist also highlighted another element present in the Southeast Asian tsunami, which reflects gender inequality in these crisis contexts: while boys are encouraged to learn to swim, girls, in many societies, do not have this opportunity. This cruel detail demonstrates structural sexism, which not only restricts women's autonomy but also compromises their ability to survive in disasters.

Returning to the theme of climate justice, Júlia Neiva recalled that the concept was endorsed by the UN General Assembly in 2021 and is also addressed in the Intergovernmental Panel on Climate Change (IPCC) Report. She stated that this report is essential for global climate discussions and that within it, the idea is beginning to consolidate that environmental burdens and benefits must be treated differently among people and communities, which characterizes environmental racism.

She explained that this term is not recent, as it was coined many years ago in the United States. For her, it is important to name this inequality within the racial dimension, considering the intersection between geographic and economic factors. In the context of the movement against this form of environmental inequality – which unequally distributes environmental impacts and benefits – there emerged a need to incorporate other dimensions, such as gender, origin, and ethnicity, aspects that Neiva had already highlighted earlier.

It is therefore essential to conduct an analysis from the perspective of intersectionality, which represents one of the great legacies of Black feminism. The movement against environmental racism is aligned with decolonial and Indigenous movements, promoting joint actions, including within the Judiciary itself, to demonstrate the differentiated impacts of climate change on different populations

In the global context, it is possible to observe that countries have also contributed and continue to contribute in different ways to climate change. There are countries that are major emitters of greenhouse gases, with extensive industrial histories and high consumption standards, and for this reason, they should bear a greater burden in the fight against the climate crisis.

This is a global discussion that can be translated through the debate on Loss and Damage, which, in essence, is directly related to racial and environmental inequalities. At the domestic level, the same disparities and challenges are repeated, showing how climate change disproportionately affects vulnerable communities.

As highlighted in the remarks of moderator Patrícia Perrone, the people most affected by climate change in Brazil are not those who contribute most to its intensification, the panelist reinforced. When analyzing the reality of Indigenous, Black, peripheral, favela-based, and traditional populations, these populations are not the main drivers of the devastating impacts of climate change, but they are among the most harmed.

Given this scenario, she emphasized that to think about a just solution it is essential to consider the distribution of environmental burdens and benefits. This issue has been debated within the Judiciary, but the cases that have reached the courts in recent years still address this perspective timidly. She pointed out that it would be necessary for the topic to be treated with greater depth and priority, ensuring that climate justice is effectively incorporated into judicial decisions.

Next, Júlia Neiva presented relevant data for reflection on climate justice in Brazil. She reported that currently, there are more than 120 climate cases pending in the country. However, she explained that only a minority of these cases directly address climate issues, climate justice, or adaptation. Most of the actions concern environmental licensing, State obligations, and governmental omissions. Although these are extremely relevant topics, it would be necessary for more cases on climate justice to reach the Judiciary, expanding the approach to the topic within the justice system.

Despite this reality, some important cases have already directly addressed climate justice, including actions that reached the Supreme Federal Court (STF) during the previous government, in response to the State's omission in implementing Brazil's environmental and climate policies.

Among the main cases that have been analyzed in recent years, the following stood out:

- The Amazon Fund case
- The Climate Fund case
- The PPCDAm case (Action Plan for the Prevention and Control of Deforestation in the Legal Amazon)

Júlia Neiva shared that Conectas, in partnership with other groups and organizations, sought to demonstrate in its legal arguments how certain cases could become paradigms in the protection of the most vulnerable populations. She explained that these arguments were included in the petitions submitted by these organizations, which acted as amici curiae in the proceedings. For the panelist, this approach was learned from the Black Movement and Indigenous movements, which have increasingly turned to climate and strategic litigation as an essential tool to ensure their survival.

Many of the cases that reached the Supreme Federal Court (STF) were brought by the Indigenous movement, which, in addition to protests, chose the judicial route as an urgent necessity in defending their rights and territories. This litigation strategy is not exclusive to Brazil but is part of a global movement that has intensified in recent years, especially in the Global South, which is most affected by climate change.

She observed that the main global lawsuits follow a similar pattern to the ones in Brazil, generally addressing omissions or responsibilities of the State. Many of these actions seek to compel governments to adopt effective mitigation and adaptation measures to climate change and/or demand specific public policies for climate protection. Among the international reference cases, she mentioned, in addition to cases in the U.S., the famous Urgenda case in Germany and the Leghari vs. Pakistan case in the Lahore Supreme Court.

These precedents have inspired new lawsuits in different countries, including Brazil, consolidating climate litigation as an essential instrument in the fight for climate justice and in holding States accountable in the face of the global environmental crisis.

Júlia Neiva highlighted the growth of lawsuits against companies, adding that although most of the 120 climate actions in Brazil focus on State responsibility, some seek to hold the private sector accountable, especially oil and agribusiness companies, which are among the largest greenhouse gas emitters in the country.

She mentioned that Conectas, two years ago, filed a lawsuit against BNDESPAR due to the lack of transparency in formulating a robust climate transition plan. This type of Public Civil Action (ACP) has been used globally to demand that development and climate finance institutions act responsibly and with a commitment to sustainability.

Neiva informed that those who wish to learn more about climate litigation cases in Brazil can access the Climate Litigation Platform in Brazil, which gathers detailed information on the 120 actions mentioned earlier. She explained that the platform allows for the analysis of these actions, showing that most of them use Article 225 of the Federal Constitution as a legal argument, which guarantees the right to an ecologically balanced environment.

The panelist celebrated the decisions of the Supreme Federal Court (STF) on the Climate Fund case and ADPF 708, as well as decisions related to the Amazon Fund. In particular, the historic vote by Minister Cármen Lúcia in the PPCDAm case (Action Plan for the Prevention and Control of Deforestation in the Legal Amazon), which recognized the need for an active State in leading climate policies. She recalled that the STF Plenary concluded that the previous government was negligent in preventing the operation of these two funds, compromising the country's environmental agenda. Thus, she considered it positive that these issues were brought before the Judiciary and properly analyzed by the Supreme Court.

Júlia Neiva emphasized the importance of considering a perspective that goes beyond victimization when discussing the peoples most affected by climate change, as addressed in the previous day's seminar panel with Ana Flávia Magalhães and Felipe Freitas. She reiterated that Black and racialized people should not be seen only as victims but also as protagonists in building solutions to climate challenges. She stated that the Judiciary needs to understand this movement and incorporate it into its decisions, recognizing that these groups have developed alternatives and essential knowledge to confront the climate crisis. Therefore, she reinforced that it is essential to look attentively and carefully at the cases that reach the justice system, ensuring that resolutions include different ways of knowing and living in the territories.

The panelist argued that the Judiciary needs to transform itself in the face of the diffuse challenges of climate change. Because, despite the complexity of climate science and its technical language, there is no alternative but to treat the issue with seriousness. She pointed out that there are available tools, such as climate damage calculators and climate attribution science, which can assist judges in their decisions.

She drew attention to the need to make racism a central element of these violations, ensuring that the populations most impacted by climate change are properly considered in judicial decisions. Furthermore, she warned that climate cases require urgency, as there is no longer time for proceedings that take ten years to reach a final decision.

When addressing the Judiciary, she pointed out that it will be essential to incorporate the principle of climate justice into decisions and prepare to deal with transnational cases, both in the climate sphere and in situations involving human rights and corporations, such as the Mariana case, which will require an approach with a transnational perspective.

She reinforced the relevance of strengthening national human rights institutions, involving civil society, and structuring the effective implementation of national climate laws and policies, always considering their relationship with human rights. She also warned about the need to monitor the private sector and ensure the seriousness of environmental licensing, establishing protocols for holding companies and other private actors accountable.

In concluding her speech, she shared that after two days of the seminar and countless conversations with attendees, it is difficult to leave with hope, but what the stories have in common is the mission to keep resisting. She pointed out that resistance is, at the same time, a survival strategy and a means of making historically invisible, subalternized, and oppressed groups visible, as well as representing a real path to generate change. Ending her participation, Júlia thanked everyone present.

Moderation

Patrícia Perrone

Advisor for Advanced Studies at the Supreme Federal Court (STF)

The moderator, Patrícia Perrone, expressed her gratitude to the panelist for presenting a comprehensive overview of climate-related issues and their impacts on vulnerable groups. She reiterated that Júlia Neiva is a founder of Conectas, a widely recognized Human Rights organization known for its work in defending Fundamental Rights and addressing climate change.

Perrone emphasized that Conectas has a strong presence at the Supreme Federal Court (STF), actively participating in major climate, human rights, and structural litigation, and that its work contributes significantly to legal and social debates.

The moderator mentioned that she had some comments and reflections to share, but due to time constraints, she proceeded with the program and gave the floor to Dr. Márcia Soares, Chief Executive Officer and founder of Themis – Gender, Justice and Human Rights, an organization dedicated to strengthening women's knowledge about their rights and the justice system.

Márcia Soares

Chief Executive Officer of Themis

Márcia Soares began her remarks by expressing deep gratitude to everyone involved in organizing the event. She said she felt honored to participate in this space, not only because of the presence of renowned experts, but also because she believes the experience in Rio Grande do Sul and the impact on women in this context are aspects that must be shared.

The panelist highlighted that, at this moment, the region is experiencing the post-disaster phase, and for many people, the emergency seems to be over – which does not reflect reality. She explained that this is a post-emergency period that brings serious and urgent challenges, especially for women in heightened vulnerability. Márcia emphasized that her remarks aimed to present reflections based on the lessons learned throughout this crisis.

Themis is an organization that was actively involved in mitigating the impacts of this emergency on women, playing a fundamental role in the process. Márcia Soares noted that in Rio Grande do Sul, as the most acute phase of the emergency subsided, it became common to hear that the disaster had been democratic, affecting everyone equally. However, she observed that this idea does not correspond to reality. Although downtown Porto Alegre and middle and upper-middle-class neighborhoods were affected, the claim that the disaster had an equal impact is far from true.

Márcia Soares continued by explaining that the most vulnerable communities are in high-risk areas, as these were the spaces allocated to them in large urban centers. For this reason, they are the most impacted by disasters. Secondly, she pointed out that even if the emergency were truly democratic, the public response to mitigate its impacts did not occur equally. On the contrary, she observed that initial response strategies were generally directed toward areas and groups with greater purchasing power, who, consequently, have more visibility and influence on public opinion.

Addressing the disproportionate impact of emergencies on women and the racial issues involved, Márcia Soares emphasized that stating women are disproportionately affected by natural disasters is not just rhetorical – it is a concrete reality, lived with extreme intensity. In the face of a climate emergency as severe as the one that occurred in Rio Grande do Sul, it became evident that such disasters not only reflect but also profoundly amplify social inequalities. These inequalities include gender, class, race, age, and disability status, intensifying the vulnerability of historically marginalized groups and alarmingly exacerbating disparities that already exist in society.

Márcia Soares presented a striking statistic from UNHCR that highlights this disproportionality: 80% of people forcibly displaced worldwide are women and children. She emphasized that this number alone conveys a powerful message, showing that most forced displacements occur due to disasters and climate emergencies, directly impacting these groups.

Next, the panelist displayed several photographs, affirming the well-known saying that images speak for themselves – something she considers true. However, she stressed that although the photos are impactful, they only capture the phenomena themselves, without necessarily revealing their causes or consequences. Márcia stated that she wanted to address some issues observed in Rio Grande do Sul, particularly regarding the impact of these disasters on women.

Márcia Soares emphasized that communities living in high-risk areas are predominantly inhabited by Black women who are heads of household, mostly belonging to economically vulnerable groups. During the emergency, these territories were directly affected, and another violation often occurred during rescue operations, especially concerning women and their children. The panelist explained that, given the urgency of the situation, many people were pulled from the water without any structured accomodation, left on the roads so that rescuers could continue their efforts. In this context, many mothers were separated from their children, later beginning a desperate search to reunite with them.

As the crisis worsened, specific shelters were created for lost children in Porto Alegre and the most affected centers. However, many mothers were in other locations, with no information about their children's whereabouts and facing major transportation difficulties due to the destruction caused by the flooding. Márcia stressed that losing a child amid chaos is a devastating experience for any woman, and this trauma was intensified by the challenges of the rescue process. Additionally, the panelist warned that during displacement and in temporary shelters, the threat of sexual violence against women and children became a constant concern, further increasing the vulnerability of these populations.

Márcia Soares asserted the importance of understanding that shelters reproduce, within their walls, the social dynamics of the communities they serve, bringing with them all the pre-existing problems of those territories. She explained that there were women in shelters who had urgent restraining orders in place and were at serious risk of harm, yet their aggressors were also present in those same spaces, along with individuals known to be child abusers in the community. Drug trafficking and criminal factions were also present in the shelters, leading to a rapid reorganization of criminal groups – including teenagers affiliated with these factions – who began territorial disputes within the shelters themselves. The impact of this dynamic was even more critical in places with large concentrations of people, such as shelters that housed up to 6,000 individuals.

This reality created constant fear among women and children, who felt vulnerable to bodily violations and various forms of violence – a phenomenon that, according to Márcia, was present in Rio Grande do Sul during the emergency period. She also reported that reports of abuse against children and women quickly began to surface, with cases being reported both to organizations working in the shelters and to the press.

Faced with imminent risks and the occurrence of sexual violence in shelters, once these situations became public, the government showed complete unpreparedness in dealing with the crisis. Instead of establishing effective protection protocols within the shelters themselves, the solution adopted was the creation of two or three women-only shelters. However, as pointed out by the panelist, this was not an adequate response for a crisis scenario for several reasons. First, the women-only shelters had capacity for about 80 women, while some mixed shelters housed at least 3,000 women.

Furthermore, Márcia Soares reported that many of these women had teenage children, elderly family members, and pets under their care, and they were not allowed to bring them into the women-only shelters. In this context, no woman who had already faced so many losses would be willing to leave her children behind – even if they were adults – to ensure her own safety. Thus, she emphasized that sexual violence, physical violence, and associated risks were critical aspects observed during the crisis, highlighting the insufficiency of institutional responses to ensure the protection of these women and their families.

The panelist brought up another fundamental aspect: the historical caregiving role performed by women, especially Black women, who are traditionally the primary caregivers for their families. They are responsible for caring for children, the sick, the elderly, and even animals. This responsibility intensifies during crisis, such as the one experienced in Rio Grande do Sul, where many women found themselves overwhelmed, having to care alone for children with chronic illnesses like hepatitis or children with disabilities, without access to medication, treatment, or specialized professionals.

Márcia Soares pointed out that in collective shelters, there were no specific protection spaces for women, which further increased their vulnerability. Many of them needed to go to work, as they were the sole providers for their families, but faced a dilemma: who would care for their children? The panelist reported that many women had to quit their jobs out of fear of leaving their children alone in the shelters, without any guarantee of safety and protection.

Another issue addressed was the relationship between children and their pets – a topic mentioned in another panel at the event. For many families, especially children who had lost everything, the presence of their animals represented an essential emotional bond, a final link to the idea of home and family. However, animals were also not allowed in the shelters, which caused even more suffering for these children and their mothers.

Márcia Soares highlighted another factor that further exacerbates the burden on women in caregiving roles: the absence of public and community services on which they traditionally depend, especially women in vulnerable situations. She pointed out that many of these services, such as APAEs (Associations of Parents and Friends of the Disabled), simply ceased to operate – either because they were flooded or because the professionals working in those spaces also lost everything.

In this scenario, women had to reorganize caregiving responsibilities without relying on the usual protection networks available in their communities. Márcia explained that, under normal conditions, these women live in spaces where, despite the difficulties, they still have some level of support – such as basic rules of coexistence, neighbors who help caring for children, walls that offer protection against abusers, support from family members, and access to essential services like food distribution and healthcare.

However, with the destruction caused by the disaster, these support networks were interrupted, and all caregiving responsibilities fell exclusively on women. The panelist emphasized that, without these resources and facing extreme levels of physical and emotional exhaustion, many women found themselves completely helpless, without tools to overcome the crisis.

Márcia Soares brought up another fundamental and specific issue for women in disaster contexts: reproductive rights. She reported that countless pregnant women and women in labor did not have access to adequate care, resulting in childbirths occurring under extremely precarious conditions. There were accounts of women giving birth on rooftops, in the homes of strangers who took them in, and even inside shelters and temporary accommodations, without any medical assistance. In these situations, other women – also caregivers – performed the deliveries without any specialized support, as field hospitals arrived late and were primarily prepared to treat cases considered severe.

The panelist pointed out that, amid the emergency, there was no maternity infrastructure, revealing a lack of planning and the absence of prioritization by public authorities regarding women's needs. For Márcia, this scenario did not happen by chance. She reiterated that in crisis situations, structural inequalities are amplified, and the lack of representation of women and communities in decision-making spaces – such as crisis committees – directly contributes to the omission of these demands in response strategies.

The panelist explained that crisis committees are mostly composed of white men from upper-class backgrounds or with stable financial conditions, who do not know the realities of peripheral communities or the specific needs of women. Many of these decision-makers have never set foot in vulnerable territories and therefore are unaware of the difficulties faced by these populations. As a result, the composition of these committees directly impacts institutional responses to crises, because when decisions are made without considering the perspectives of

women and affected communities, the proposed solutions become ineffective. Soares emphasized that, in the case of Rio Grande do Sul, the response from public authorities was, when not nonexistent, insufficient to meet the needs of women – demonstrating the urgency of rethinking governance structures and decision-making processes in emergency contexts.

Addressing the issue of race, the panelist presented two examples that illustrate environmental racism in the disaster response. The first refers to temples of Afro-Brazilian religions – places of worship where traditions are preserved, ancestors are honored, and orixás (*deities*) are revered – frequented primarily by the Black population. Márcia explained that, with the disaster, not only were the physical structures lost, but also years of worship, relationships with the orixás, and an entire ancestral tradition. Yet, to date, there has been no organized response from public authorities to support the restoration of these religious spaces. The panelist posed a reflection: if the emergencies had affected Catholic or Evangelical churches, wouldn't public authorities have already taken steps to ensure the resumption of those services?

The second example concerns Romani women and their families, who were prevented from accessing temporary shelters under the prejudiced justification that they might steal belongings from other shelter residents. As a result, they were deliberately excluded from reception spaces, suffering yet another form of institutional discrimination at a time of extreme vulnerability. The panelist emphasized that these are clear examples of environmental racism, which manifests not only in the occurrence of the disaster but also in the unequal way responses are structured. She pointed out that the measures adopted by public authorities were inadequate to accommodate women and their needs, reinforcing historical inequalities.

In the face of this State omission, the ones who took the lead in mitigating the impacts were women and community leaders. The network of Popular Legal Promoters – a group of women trained by Themis over the past 30 years – were on the front lines of efforts to support victims in their territories. These women provided shelter, assisted in rescues, identified cases of violence in shelters, and sought to establish minimum protection standards within temporary accommodations, ensuring some level of safety for other women affected by the disaster.

Márcia Soares reported that, given the reality experienced in shelters in Rio Grande do Sul, a proposal was made to create a minimum care protocol within these spaces, considering that simply creating women-only shelters is not an effective solution. She explained that there were shelters with 1,000, 1,500, or even 700 women, making it unfeasible to guarantee protection solely through gender separation. The most appropriate solution, according to the panelist, would be the implementation of minimum care and protection protocols for women and children – from the moment of rescue, through the period of temporary accommodation, and into the post-disaster phase.

Another challenge identified was the lack of access to information within affected communities. Márcia pointed out that, unfortunately, public authorities communicated primarily through social media, ignoring the fact that most people in shelters were completely disconnected. Many arrived without any belongings, without Wi-Fi, without phones, and therefore without access to the messages and guidance being disseminated. This communication barrier hindered organization and the pursuit of rights, making the situation of women and their families even more precarious.

Social media, the panelist continued, is not an adequate channel for reaching the community. When public authorities say, "we will have an unprecedented disaster," what are they saying to the community? Nothing! When public authorities go on TV and say, "the city will collapse, leave, get in your cars and go to the beach," who are they talking to? Who are they talking to? These are questions that need to be considered, and for which all governments – the public authorities across the country – must pay attention and begin now to build strategies for impact prevention in the most vulnerable communities, for women, and for care and mitigation strategies.

Concluding her presentation, Márcia Soares informed that a training program for Popular Legal Promoters to act in climate emergencies is currently underway, launched in August and scheduled to conclude in March. This program brings together leaders already trained by the organization, with the goal of equipping these women to act in a more organized and safe manner in the face of crises and disasters. It is a response from civil society, demonstrating the leadership of women in mitigating the impacts of emergencies. However, it is essential that public authorities understand the real needs of women and include these strategies in institutional disaster response protocols. According to the panelist, it is no longer acceptable to ignore the specific impacts that fall on women, and therefore, public policies must be planned with this reality in mind.

Moderation

Patrícia Perrone

Advisor for Advanced Studies at the Supreme Federal Court (STF)

Moderator Patrícia Perrone, Advisor for Advanced Studies at the STF, thanked panelist Márcia Soares for her contribution. While listening to the presentation, she reflected on the importance of the concept of "perspectivism," emphasizing that for those in safe spaces – such as offices and protected environments – it can be difficult to imagine the diversity of situations and needs that emerge in the context of a climate emergency.

She then recapped the panel's remarks, highlighting that Márcia Soares advocated for understanding the specific demands of vulnerable populations in environmental disaster situations. Similarly, Júlia Neiva addressed the importance of recognizing these needs and associated risks, stressing the ineffectiveness of proposing solutions without directly listening to the affected groups. Both emphasized that these groups must be engaged in the formulation of public protocols so that their real demands are properly identified and addressed.

Perrone also recalled that Júlia Neiva mentioned the Escazú Agreement, which Brazil has yet to ratify. The Agreement, the moderator explained, aims to guarantee three fundamental rights: the right to information, the right to participation, and the right of access to the Judiciary. This set, known as "access rights," is essential for vulnerable populations to engage in the licensing processes of activities with environmental impact, as well as in remediation and mitigation strategies.

The moderator expressed her confidence in the relevance of the work carried out by civil society organizations, highlighting the roles of Conectas and Themis as fundamental in ensuring that such important information reaches public authorities.

Finally, Patrícia Perrone posed a challenge to the panelists, asking how their organizations have been coordinating efforts to push for the ratification of the Escazú Agreement. She mentioned that, at the penultimate COP, the Minister of the Environment herself stated that she would not return to another conference without that ratification. However, given the political challenges, she asked what role civil society organizations could play in this process, reinforcing that the Escazú Agreement would allow for the effective incorporation of the voices of vulnerable populations in climate change and environmental justice debates.

Júlia Neiva

Deputy Director
Conectas Human Rights

Júlia Neiva began her remarks by thanking Márcia Soares for her presentation, highlighting the strong impact of her words and her deep admiration for Themis's work. She mentioned that the organizations have been close for many years and expressed her joy in hearing Márcia's speech, emphasizing that it was an essential learning experience.

Neiva stressed that the rains will return – not only in Rio Grande do Sul but in many other regions – and that, to date, it has not been possible to build an effective preventive protocol. She reinforced that, in the field of human rights, one of the fundamental principles is to learn from mistakes to avoid repeating harmful patterns, and the warning brought by Márcia highlights precisely what has not yet been done to prevent new tragedies.

Addressing the Escazú Agreement, she explained that various civil society groups, both in Brazil and across Latin America, have been actively involved in campaigns, training sessions, and missions aimed at convincing States to complete the ratification process. In Brazil's case, she noted that the government has already expressed its intention to ratify the agreement, but the process still needs to be finalized for the commitment to have legal and practical validity.

Neiva suggested that this issue could be incorporated into the agenda of the National Council of Justice (CNJ), encouraging discussions on how to pressure authorities to complete the internalization of the Agreement. She emphasized that, from the perspective of civil society, there are already numerous initiatives in this regard, including institutional pressure, public campaigns, demonstrations, and training sessions aimed at both affected communities and authorities.

She also mentioned that in the last two Conferences of the Parties (COPs) on biodiversity, the topic of the Escazú Agreement was strongly present, demonstrating that this is a central concern not only for Human Rights organizations but also for environmentalists and grassroots entities. Júlia Neiva noted that while the Escazú Agreement is not a definitive solution to all environmental and social challenges, it can significantly contribute to strengthening public policies and increasing pressure for faster and more effective responses from the State.

Márcia Soares

Diretora Executiva Themis
Experiência Rio Grande do Sul

Márcia Soares began her remarks by emphasizing the importance of international agreements as essential instruments for advancing climate change and human rights agenda. However, she questioned whether these agreements alone are sufficient to guarantee effective change. She pointed out that the 2030 Agenda, although globally agreed upon, has shown limited progress according to most recent international reports.

While agreements are indispensable, it is crucial that there is mobilization for their effective implementation. For Soares, this mobilization involves three central aspects. First, political will from governments is necessary – without it, no public policy can be effectively implemented. Second, the commitment of the private sector is indispensable, as it is well known that large corporations bear significant responsibility for climate emergencies and socioeconomic inequalities. Without the involvement of this sector, she argued, it is unlikely that sufficient political pressure will be generated to implement the agreed-upon measures.

The third aspect highlighted by Soares refers to organized civil society, which is already mobilized, with grassroots movements and organizations actively engaged in the agenda. However, she stressed that the rest of society needs to become aware and engaged in this debate. For her, mobilization cannot be limited to non-governmental organizations – it is essential to involve everyone, especially communities most impacted by climate emergencies.

In closing, she reiterated the need to build effective strategies to expand this engagement, ensuring that the voices of directly affected communities are incorporated into debates and decision-making processes – not just the civil society organizations that traditionally occupy this space.

Júlia Neiva

Deputy Director
Conectas Human Rights

Before returning the floor to the moderator, Júlia Neiva mentioned the campaign for the Escazú Agreement that she had referenced earlier. She informed that, in Brazil, the movement leading this demand is called "Movimento Escazú Brasil," composed of civil society organizations and social movements that are pressuring the country to complete the ratification of the Escazú Agreement.

Moderation
Patrícia Perrone
Advisor for Advanced Studies at the Supreme Federal Court (STF)

Following the responses from Júlia Neiva and Márcia Soares, which indicated that the CNJ could play an active role in mobilizing for the ratification of the Escazú Agreement, moderator Patrícia Perrone presented a second challenge to the panel.

Recognizing the high likelihood that new climate emergencies may occur – potentially as severe or even more devastating than those experienced in 2024 – the moderator emphasized the importance of anticipating strategies and strengthening institutional responses.

Perrone noted that the National Council of Justice (CNJ) has shown openness to civil society demands, promoting ongoing efforts to expand dialogue – and this event was a concrete example of that commitment. In this context, she asked what initiatives could be developed in partnership with the CNJ, considering its strategic role in shaping public policies and guidelines. She also inquired about proposals that could be presented based on the testimonies and experiences shared, aiming to ensure more effective and constructive responses to future socio-environmental crises.

Márcia Soares

Chief Executive Officer Themis
Experiência Rio Grande do Sul

Márcia Soares responded to the challenge by emphasizing that the CNJ's initiatives are already extremely relevant and that the dialogue promoted at the event is essential, needing to be expanded through new meetings and discussions.

The panelist suggested that future events of this nature should directly include the voices of people affected by climate emergencies and vulnerable populations, allowing them to share their experiences through their own words – not only through intermediaries. Márcia pointed out that during the emergency, there was a significant presence of organizations, including the UN, conducting surveys and collecting information, but without providing effective feedback to the affected communities.

She then highlighted the urgency of establishing specific protocols for the functioning of the Judiciary during climate emergencies. During the crisis in Rio Grande do Sul, the courthouse was flooded, the system became inaccessible, and the Domestic Violence Court was also affected. As a result, there was no information available about women with urgent protective measures, generating extreme insecurity and vulnerability.

Soares explained that in crisis situations, when a court is not operational, there must be a clear definition of who is responsible for urgent cases. Protective measures, for example, should be automatically extended to prevent women from being left unprotected during periods of institutional instability.

The panelist also praised the exceptional efforts of the Domestic Violence Court teams, who went to shelters to try to identify, among hundreds of women, those who had protective measures. However, this identification was carried out without systematized and disaggregated data – a serious flaw that hindered the protection of these women.

Regarding data management, Márcia warned that the available records were extremely limited, containing only basic information such as sex and age of the sheltered individuals. There was no disaggregated data by gender, race, or vulnerability status, nor information on whether the person was experiencing domestic violence, had protective measures, or had critical health conditions. Because of this, she advocated for the creation of specific protocols to guide governments on which information is essential in crisis situations, ensuring that protective and assistance measures are effectively implemented.

Márcia Soares reported that governments are currently structuring their mitigation strategies and protocols, and that this is a timely moment for civil society to influence the development of these guidelines. However, she pointed out that opportunities for civil society participation are limited.

According to Soares, Themis was the only civil society organization invited to join a working group to help design protocols, but with little room to influence decisions. Therefore, she emphasized the need to expand this participation and establish clear, well-founded guidelines to ensure that the voices of vulnerable populations are considered in the formulation of public disaster response policies.

Moderation

Patrícia Perrone

Advisor for Advanced Studies at the Supreme Federal Court (STF)

The moderator thanked the panelist and stated that all observations would be forwarded to the CNJ's General Secretariat. For Perrone, the CNJ and the STF play strategic roles, as the collaboration among the three branches of government creates an opportunity to consolidate and expand these proposals.

With that, she opened the floor to contributions from the audience.

Glenda Ramos

Event Participant

Participant Glenda Ramos offered a reflection based on Márcia Soares's remarks, emphasizing that mitigation strategies are essential, but questioning how prevention could be better addressed beyond mitigation. Glenda highlighted the potential of using Artificial Intelligence not only for data collection but also for detailed analysis, considering gender and racial dimensions – both in contexts of violence and beyond.

She then asked the panel about the CNJ's role in developing Prevention Protocols within the framework of interinstitutional dialogue, so that responses to future emergencies can be more agile and efficient, considering that everyone is subject to events of this nature.

Following her remarks, the moderator passed the floor to Judge Karen Luise, who contributed to the discussion based on the participant's challenge.

Karen Luise Vilanova Batista de Souza

Auxiliary Judge to the Presidency of the National Council of Justice (CNJ)

Auxiliary Judge Karen Luise began her intervention by sharing key information to contextualize the discussion. She noted that the seminar was organized by the Plural Justice Program, a partnership between the CNJ and the United Nations Development Programme (UNDP), aimed at strengthening the CNJ's capacity to promote human rights.

The program works across seven thematic pillars:

1. Human rights and access to justice;
2. Children and adolescents;
3. Gender and LGBTQIA+ population;
4. Homeless population;
5. Socio-environmental issues;
6. Involuntary and forced disappearances;
7. Racial equity.

The judge emphasized that the seminar's panels were organized in alignment with these pillars, reinforcing the program's commitment to an intersectional approach to human rights. She also shared that various actions have already been carried out under the partnership, and that a study is currently underway – including specific research on the impacts of the climate crisis on access to justice in Rio Grande do Sul.

According to the judge, this research – both qualitative and quantitative – aims to build a protocol for action in climate emergencies, a growing challenge in today's global context. Karen Luise underscored the importance of contributions from Themis and the Popular Legal Promoters to the final report, noting that the experiences shared will be fundamental in supporting the recommendations of the institution responsible for the study.

In closing, she stated that the Justice Plural Program aims to go beyond research, seeking to formulate concrete public policies based on the findings. She emphasized that this will be one of the program's first deliverables – even before completing its first year – demonstrating a commitment to effective and structural actions in the field of human rights.

Moderation

Patrícia Perrone

Advisor for Advanced Studies at the Supreme Federal Court (STF)

Before closing the event, Patrícia Perrone responded to the audience member's remarks, clarifying that prevention efforts go beyond what might be called a "judicial blackout," encompassing other possibilities for action.

To conclude, the moderator recalled an interview with José Mujica, former president of Uruguay, in which he was asked about the meaning of freedom. He replied that freedom is being able to dedicate oneself to what inspires us. Building on that reflection, Patrícia emphasized the importance of each person understanding what inspires them – because if we don't know, others will decide that for us. She also reminded everyone that everything we consume is paid not only with money but also with time – and while money can be recovered, time cannot.

Bringing this reflection into the context of the seminar, she stressed the urgency of thinking about how we use our time, especially considering climate change and threats to our future. She reinforced that time – not material resources – is our scarcest asset, inviting everyone present to value life as an extraordinary gift.

CLOSING CONFERENCE

Regulatory Challenges for AI in the Protection of Human Rights

CLOSING CONFERENCE

Regulatory Challenges for AI in the Protection of Human Rights

Nate Persily
Professor at Stanford University – (USA)

Minister Luís Roberto Barroso
President of the National Council of Justice (CNJ)

Moderation
Elisa Calcaterra
Deputy Resident Representative of UNDP Brazil

Foto: Divulgação/CNJ

Moderation

Elisa Calcaterra

Deputy Resident Representative of UNDP Brazil

Ms. Elisa Calcaterra, Deputy Resident Representative of UNDP Brazil, began her remarks by thanking all attendees present on the second day of the II Human Dignity Seminar, recalling that it was held on Human Rights Day. She stated it was a great honor to be there to discuss a topic of great relevance and complexity: regulatory challenges for artificial intelligence in the protection of human rights. She greeted the distinguished international panelist, Professor Nate Persily from Stanford Law School, and the Honorable Justice Luís Roberto Barroso, who composed the panel. She emphasized how both are widely recognized for their expertise and commitment to promoting justice and building equitable solutions, and that their contributions would certainly enrich the closing conference's debates and reflections.

She continued by highlighting that with the growing daily use of Artificial Intelligence (AI), powerful tools have emerged capable of influencing everything from the most mundane aspects of our lives to the dynamics of major institutions. AI has the potential to impact the three pillars of sustainable development: society, the environment, and the economy. However, the creation of regulatory frameworks for the various uses of AI is essential to ensure that its influence on society, in itself, preserves fundamental rights. According to Ms. Calcaterra, the evolution of this technology can both strengthen democracy – by promoting participation and public expression – and generate negative effects, such as the reproduction of biases and misinformation.

Elisa Calcaterra expressed great honor in representing UNDP at the panel, highlighting the organization's commitment to using AI to accelerate sustainable development. At the same time, she emphasized that UNDP firmly defends the centrality of human rights, ensuring that this technology contributes to human dignity, equality, and justice for all.

According to the UNDP representative, AI must be understood, above all, as a tool designed for people – not merely as a technological issue. For this reason, she stressed the importance of placing people at the center of AI development and application. To that end, she outlined five key concepts that guide this approach: demystify, democratize, empower, explore, and protect.

Before concluding her introduction, Elisa Calcaterra took the opportunity to thank the partnership with the CNJ and reiterated UNDP's commitment to supporting AI regulation and governance processes in Brazil.

Justice Luís Roberto Barroso

President of the National Council of Justice (CNJ)

Justice Luís Roberto Barroso, President of the CNJ, began his remarks by thanking everyone for their presence and expressing his gratitude to Ms. Elisa Calcaterra. He said it was a pleasure and an honor to participate in the event, but clarified that he was not there as a panelist, rather to listen to Professor Nate Persily's presentation. In a lighthearted tone, he mentioned feeling like an intruder on the occasion, but since he had been introduced, he would take the opportunity to share a few brief reflections before passing the floor to Professor Persily. Justice Barroso emphasized the relevance of the guest, recognizing him as one of the leading scholars on digital platforms and artificial intelligence, as well as a prominent opinion leader. He added that in his own studies on the topic, he had consulted Persily's work and, recognizing his significant contributions to the field, considered it essential to invite him to the event.

Justice Barroso offered a brief reflection on regulatory challenges in the use of Artificial Intelligence and the protection of human rights. He provided a simple definition of AI: the transfer of human capabilities to computers through software programs. These capabilities include cognitive skills and decision-making abilities. Artificial Intelligence is a broad designation that encompasses many fields of research and knowledge. The type of AI that has most impacted the contemporary world is generative AI – Artificial Intelligence capable of generating content, including text, sound, images, and video, and capable of communicating with human beings.

Justice Barroso highlighted that AI has numerous positive potentials in decision-making processes, including its application in task automation, medicine, and overcoming language barriers. He also noted that its use in the legal field in Brazil is particularly relevant, contrasting with the reality in many other countries. According to him, few countries use technological innovations and AI as extensively as Brazil, covering a wide range of purposes – from online trials and virtual plenaries to participation in judgment sessions via videoconference, culminating in the electronic voting system, which he described as the most efficient in the world.

He emphasized that within two to three hours, it is possible to declare the results of an election with 150 million voters, using a system immune to fraud. He explained that the source code of the electronic voting machines is made public one year before the elections, allowing anyone interested to investigate, analyze, and test it. After this period, the system is sealed by the Federal Police, the Federal Public Prosecutor's Office, and all political parties that wish to participate in the process, ensuring the security and transparency of Brazil's electronic voting.

In the legal field, Brazil has made extensive use of technology, especially given the volume of cases in progress in the country, which is far beyond global standards. He cited that, according to 2023 data, there are 83.8 million cases pending in the

Brazilian judicial system. He stressed that without the use of technology and AI tools, delivering judicial services would be immensely more difficult. He also mentioned that the Supreme Federal Court, which receives an average of 70,000 appeals per year, has significantly reduced its workload and case backlog to around 20,000 – an amount that continues to decline – thanks to the implementation of two AI programs.

The first, called Vítor, identifies cases that already have general repercussion recognized by the STF. Once a decision with general repercussion exists on a given topic, related appeals no longer proceed to judgment, allowing the program to perform an initial filter and enable the automated dismissal or inadmissibility of many appeals.

He also mentioned the program Vitória, humorously noting that the Supreme Court values gender parity even in the naming of its technological tools. Vitória analyzes the remaining appeals that have passed the general repercussion review and groups them by topic. This allows the Court to identify which issues should be prioritized for decision, enabling the elimination of a significant volume of cases more efficiently.

A third Artificial Intelligence program, with a more cosmetic approach, is called Rafa. Rafa classifies legal cases according to the Sustainable Development Goals (SDGs), allowing for an analysis of the Judiciary's contribution to advancing this specific agenda.

Additionally, a meeting was held with Microsoft to discuss the launch – scheduled for next Monday – of a program developed in partnership with Microsoft and ELO, aimed at generating procedural reports. This program, customized for the Federal Supreme Court (STF), will allow extensive case files to be synthesized into just a few pages, highlighting the relevant facts and the legal matter under discussion. The initiative will significantly streamline work at the Supreme Court and will later be expanded to other courts.

A precedent research program is also under development, in partnership with the Court of Justice of Paraná and the Regional Labor Court of Rio Grande do Sul. To provide context: with the enactment of the 2015 Civil Procedure Code, Brazil transitioned to a system of binding precedents, like the Common Law model. However, the country still lacks a consolidated tradition of precedents and platforms like Westlaw or LexisNexis, making jurisprudence research an essentially manual task.

In response to this challenge, AI tools are being developed to assist in the research and identification of precedents. The project is already at an advanced stage but still faces financial hurdles, as the pricing model is based on a pay-per-token system, which increases operational costs and currently prevents widespread implementation. Nonetheless, efforts continue to make the tool viable on a larger scale.

After this phase, an even more controversial challenge will emerge: the development of AI systems capable of producing a first draft of judicial decisions. Given the high volume of cases in progress, this evolution will be inevitable.

Observing the reality of the Judiciary across different regions of the country, the initial draft of a decision is traditionally prepared by legal clerks. Therefore, replacing this first draft with an efficient AI program would not necessarily represent a loss of quality. However, it is essential to emphasize that under no circumstances will judges relinquish their responsibility for the final decision. In Administrative Law, duties may be delegated – but never responsibility – a principle that fully applies to judicial activity.

In practice, some judges already use improvised solutions, turning to tools like ChatGPT or Claude to produce preliminary drafts of decisions, indicating in advance the legal basis guiding the deliberation. Considering this scenario, the next step will be the development of a customized AI system for the Judiciary, capable of performing this task safely and efficiently, replacing the generic solutions currently in use.

The benefits of Artificial Intelligence are vast, but the risks are also significant. Among them are algorithmic discrimination, job displacement, military use of the technology, and the mass spread of misinformation. These challenges underscore the urgent need to regulate Artificial Intelligence. Brazil has not yet had the opportunity to hear Professor Nate Persily's ideas on the subject, which is why his perspective is of great interest. However, the main difficulty in regulating AI lies in its exponential pace of advancement.

This point was highlighted in a recent conversation in Rio de Janeiro, attended by Nate Persily and Kim Lane Scheppele. To illustrate the speed at which new technologies spread: the landline telephone, widely used in the past, took 75 years to reach 100 million users. The mobile phone reached that mark in 16 years; the internet in 7 years. ChatGPT, a generative AI tool, reached 100 million users in just two months. This exponential growth presents unprecedented regulatory challenges, requiring swift and effective responses to balance innovation and safety.

This is the pace of transformation, and the discussion around AI regulation involves a field of research and knowledge that evolves at exponential speed. Regulating a phenomenon that develops this rapidly is a major challenge. However, there are at least three essential domains where AI regulation is necessary:

The first is the protection of fundamental rights, especially the right to freedom of expression within appropriate limits. Freedom of expression can be compromised by the mass spread of misinformation, with deepfakes posing a significant risk by exploiting the human tendency to believe what is seen and heard. If we reach a point where it is no longer possible to trust what we see or hear, freedom of expression loses its meaning.

The second point of attention is the protection of privacy, preventing the misuse of personal information. Moreover, it is crucial to safeguard what has been called cognitive autonomy, a concept related to neuroscience. Currently, digital platforms monitor users' interests and preferences to personalize content and services. The future risk, however, goes beyond identifying preferences: there are concerns that, with advances in neuroscience, platforms may begin to influence and manipulate individuals' desires and choices, steering them toward what the platforms want to be desired. This emerging issue adds further complexity to the protection of fundamental rights.

The third fundamental aspect of regulating Artificial Intelligence concerns the protection of democracy and the implementation of transparent, intelligible governance that is always subject to human oversight – especially in decisions that directly impact society.

These are some of the challenges that mobilize those seeking to use technology for positive purposes, avoiding its appropriation by malicious actors. With these initial remarks concluded, we now turn to the presentation by Professor Nate Persily, whose presence is deeply appreciated. The floor is granted to him, with the kind permission of Dr. Elisa Calcaterra.

Nate Persily

Professor at Stanford University – (USA)

Professor Nate Persily, from Stanford Law School, began his lecture by expressing his pleasure at being alongside his friend, Justice Luís Roberto Barroso. In a lighthearted tone, he recalled a memorable episode from his last visit to Brazil, when he came to attend a Paul McCartney concert at Maracanã Stadium in Rio de Janeiro. Not knowing the city well, he had planned to walk to the stadium, until Justice Barroso intervened and sent a car to pick him up, preventing him from exposing himself to unnecessary risks. The professor recounted the story with humor, saying he still owes him a "great debt". He then thanked everyone involved in organizing the panel.

As he began his presentation, Professor Nate explained that when addressing the topic of Artificial Intelligence (AI), he often turns to AI tools themselves to suggest what he should talk about. With that in mind, he asked an AI program to generate images representing a law professor giving a lecture on AI and Democracy in Brazil. He then displayed a series of images generated by the technology, highlighting the humorous and unpredictable nature of the results, showcasing the peculiarities of AI models in visual content creation.

Speaking in English, Professor Nate expressed his hope that everyone could understand him in the language, but in case they couldn't, he relied on AI to explain

the main points of his presentation in Portuguese. At that moment, he played an AI-generated video in which his own image appeared greeting the audience in Portuguese and introducing the topics that would be covered in the panel.

In the video, the professor emphasized that the AI revolution evokes both excitement and concern. According to him, pessimists view AI as an existential risk, bringing challenges such as new forms of biological weapons, cybersecurity threats, and massive economic displacement. On the other hand, optimists see AI as a transformative force, capable of contributing to medical breakthroughs, new learning methods, and enhanced creativity.

Reflecting on these perspectives, Professor Nate noted that both sides may be right, as AI has the potential to amplify the capabilities of both good and bad actors, enabling them to pursue the same goals they've always had. This includes criminals and foreign intelligence services, as well as doctors and judges, who could use the technology to improve their work. Ironically, he pointed out that AI could even help a professor deliver a speech in a foreign country whose language he doesn't speak – just as demonstrated by the video he had shown.

After the video, Professor Nate Persily explained that producing that material took only five minutes, underscoring the speed at which the technology is evolving – a central theme of his lecture at the conference. He went on to argue that Artificial Intelligence represents a unique technological challenge for the field of law, distinct from other technological advances society has had to grapple with in recent years. While many regulatory approaches are based on accumulated experience with social media, the risks and benefits of AI have their own characteristics, requiring specific qualifications and differentiated treatment.

Regarding technology and law, Professor Nate Persily highlighted a fundamental issue in current technological models: private platforms have come to possess powers and capabilities comparable to those of nation-states, which may compromise the sovereignty of some countries. According to him, Artificial Intelligence (AI) differs from the internet and social media, being more analogous to electricity or the alphabet – when considered as a foundational layer for the development of other technologies. In fact, the availability of open-source AI code makes this innovation a distinct regulatory challenge compared to social media.

There is a growing trend, also observed in Brazil, to regulate AI in the same way specific companies have been regulated – such as Google and Facebook. However, the openness of AI code gives the technology a pervasive and highly accessible character, which demands a different regulatory approach. In this scenario, each society will need to decide whether AI will be restricted to large corporations or remain broadly available. For Brazil and most countries in the Global South, maintaining open-source AI may be the best strategy to avoid dependence on major tech companies.

However, the more accessible and widespread AI becomes, the more complex its regulation and the control of its negative impacts. As with other technological innovations, AI lacks clear boundaries between public and private, what is real and artificially generated, and even what distinguishes humans from machines – challenges that make its regulation even more urgent and complex.

Professor Nate Persily described three schools of thought in Silicon Valley regarding Artificial Intelligence (AI) development. The first group consists of utopians – investors and tech enthusiasts who genuinely believe AI will save humanity. The second group includes dystopians, many of whom are AI developers themselves, expressing concerns about the risks of the technology and comparing its impact to that of nuclear weapons. The third group sees the debate as overhyped, arguing that many of the alarmist predictions about AI will not materialize.

In Professor Nate's view, there is merit in all these perspectives, but his approach emphasizes that AI amplifies the capabilities of all actors in the system – whether good or bad – allowing them to pursue the same goals they've always had. This impact can be observed in the economy, democracy, and politics. On one hand, the technology may empower criminals and terrorists to carry out actions that were previously unfeasible. On the other hand, it can strengthen lawyers, human rights advocates, and democratic institutions, enabling significant progress in promoting justice and equity.

One of the major challenges, according to Professor Nate Persily, is the need to shift the mindset shaped by experiences with platforms like Facebook, recognizing that Artificial Intelligence (AI) may pose even greater risks in various dimensions. While there are similarities between AI and social media – especially regarding privacy, misinformation, and algorithmic bias – the open-source nature of AI introduces additional challenges that must be addressed. Moreover, geopolitical disputes between the United States and China play a crucial role in shaping the global technological competition in this area.

Another concerning factor is the complexity of AI itself. Despite being permeable and accessible, many of its own developers do not fully understand how it works. The internal operations of AI models remain largely a mystery, which hinders effective regulation and oversight. Additionally, the high energy consumption required for AI is a controversial issue, especially in light of climate change challenges. The enormous energy demands, combined with the rapid pace of development and the unpredictability of its future trajectory, make AI substantially different from other technological innovations society has faced.

According to Professor Nate Persily, when discussing the regulation of Artificial Intelligence (AI), it is essential to clearly define the object of regulation. Whether in the Judiciary or the Legislative, the first step is to understand the essential differences between various types of AI. It is necessary to ask whether the regulation refers to generative AI tools like ChatGPT, image-generation platforms, or other

types of technology. Today, most mobile devices already use AI in some form, making any absolute ban on the technology unfeasible. Therefore, regulation must be guided by precise technical criteria, ensuring a balance between safety, innovation, and practical viability.

Regarding the risks of AI in the context of human rights, it is necessary to consider the different actors involved – whether developer states or the AI systems themselves. There is growing concern among tech industry professionals about the rise of autonomous AI systems operating independently on the internet, without being integrated into robotic systems. Additionally, it is important to reflect on who the potential victims of AI might be – from individual users to intentional or unintentional victims, or even an entire social system, such as democracy.

Risk, from this perspective, must be analyzed relatively, and the central question should always be "compared to what?" For example, fatal accidents may be caused by autonomous vehicles, but they also frequently occur with human drivers. Similarly, when discussing the impact of AI-generated misinformation, it is essential to ask how it differs from misinformation produced by humans. This type of reflection is crucial for formulating balanced and effective public policies to address the challenges posed by AI.

On the issue of racial bias in AI, Professor Nate Persily pointed out that patterns of racial discrimination have been identified since the earliest uses of AI in criminal sentencing. One example cited was the company Compass, which developed a system to predict the likelihood of criminal recidivism. However, it was found that the program tended to classify Black individuals as more likely to commit crimes than white individuals, revealing a significant racial bias.

Another case was observed in a recruitment tool developed by Amazon, which used AI to analyze résumés. The system ended up discriminating against women, assigning them lower scores – a reflection of the historical data on which the algorithm had been trained. In addition to racial and gender biases, political biases have also been identified in AI tools. One example mentioned was ChatGPT, which allegedly demonstrated bias against conservative individuals, answering questions about Joe Biden but avoiding similar responses about Donald Trump.

The major challenge in addressing these algorithmic biases is that they are not confined to a single program or isolated error, but are rather embedded in the structure of AI programming. This occurs because AI systems are trained on data selected by human developers, influenced by the sources of information, training methodologies, and values of the companies that create these technologies. Thus, biases are not merely technical flaws; they reflect choices made throughout the development of AI.

The challenge of bias in Artificial Intelligence does not have a single, definitive solution, but rather multiple possible approaches – each with its own risks and implications. Although the problem is widely recognized, there is no ideal model

that can eliminate it entirely. Nevertheless, it is an issue that must be considered from the very beginning of technological development.

One example cited by Professor Nate Persily was how AI models, during their first six months of operation, generated images when prompted to represent a nurse. In both Brazil and the United States, the images produced exclusively depicted white women. This trend raises an essential question: what would be the correct response to such a prompt? Since 80% of nursing professionals are women, should the AI generate 80% female and 20% male images? Or should the representations be adjusted for each country?

Another point raised was the aesthetic standardization of AI-generated images, which often reflect Hollywood-style representations of women, failing to capture the real diversity of human experience. AI cannot offer a single, objective answer to these questions, but it can be programmed to provide greater interactivity – prompting users for more information about what they expect from the generated representation. However, even with such refinement, not all variables can be controlled.

Facial recognition was also cited as a critical example of AI's risks regarding racial representation. A notable case occurred when software mistakenly identified Michelle Obama as a man, highlighting how Black faces are often misrepresented by these technologies. This type of error demonstrates that without clear criteria and continuous adjustments, AI can perpetuate and amplify preexisting stereotypes – making effective monitoring and regulation even more urgent.

Even though these problems have been identified, both the user community and regulators must define what they truly want Artificial Intelligence (AI) to do. The issue of bias in AI cannot be treated in the same way as unemployment or other forms of discrimination, which already have established legal frameworks. In this case, a normative decision is needed regarding the standards for AI-generated content.

The mere fact that AI accurately reflects what is available on the internet is not sufficient, as the use of these tools for specific purposes always brings unforeseen consequences and potential negative impacts. One example cited by Professor Nate Persily was Google's approach to mitigating bias in its AI tools. The company implemented prompt engineering strategies, adding a series of more detailed questions before image generation. However, this solution resulted in responses that, while diverse, were not always faithfully representative of what had been requested.

This difficulty became evident when the system was asked to generate images of the Founding Fathers of the United States or the Pope. Instead of depicting historically white male figures, as would be expected, the AI generated racially and gender-diverse images – which, while reflecting an effort to avoid bias, ended up producing representations that did not correspond to historical reality.

This dilemma illustrates the ongoing challenge of balancing representativeness and accuracy in AI. Many tech companies are seeking solutions to address this issue, but in some cases, they are forced to retreat and reassess their strategies – as happened with Google. The complexity of the problem reinforces the need for a deeper debate about which criteria should guide the programming and training of these technologies.

Resuming the discussion on democracy and the information ecosystem, Professor Nate Persily emphasized how Artificial Intelligence (AI) has the capacity to amplify the power of various actors in the system – whether those seeking to undermine political campaigns or working to improve the journalistic quality of certain reports.

This informational ecosystem involves the use of deepfakes and synthetic content in text, audio, and video formats, which can be manipulated and tested at scale. One example of this dynamic was observed during the U.S. elections, where fake images were widely circulated, depicting supposed supporters of Donald Trump.

Beyond distorting facts, AI has been employed as a tool for political propaganda – not necessarily to make people believe false information, but to reinforce and amplify arguments used by the candidates themselves. This phenomenon presents new challenges to the integrity of public debate and the reliability of information circulating during electoral processes.

The impact of this phenomenon is not merely the spread of false information, but something potentially more serious: the erosion of trust in real information, which poses a significant threat to democracy. The danger does not lie in the volume of fake news or synthetic content – which may be a minority compared to the total information available – but in the cost these manipulations impose on the democratic system, undermining the credibility of public discourse.

Beyond traditional misinformation, Artificial Intelligence (AI) introduces new threats, particularly regarding the targets of manipulation. Alarming examples include voice imitation scams, such as criminals using AI to replicate the voices of political candidates in phone calls, fake kidnapping calls, or even calls mimicking children's voices to deceive victims.

Still within the democratic context, Professor Nate Persily highlighted the crucial role of AI in the U.S. elections, where the technology was used to lead the public to distrust real information. In various parts of the world, candidates have exploited the controversy surrounding AI to suggest that true facts are, in fact, fabrications. One example cited was Donald Trump's claim that Kamala Harris was using AI to simulate crowd presence at her events. This type of strategy intensifies the crisis of trust in the informational environment and reinforces the need for regulation and transparency in the use of AI – especially in electoral contexts, where the integrity of information is essential to the functioning of democracy.

Regarding legal practice, Professor Nate Persily echoed points already mentioned by Justice Luís Roberto Barroso, emphasizing the role of Artificial Intelligence (AI) in activities such as legal research, case evaluation, adjudication, and translation. He noted that Brazil is at the forefront of AI use in the legal system, developing specific tools to improve case processing and analysis.

On the topic of "robot lawyers," the professor argued that the central question should not be about the use of technology itself, but about the existence of human review after its application. Moreover, the fundamental question should be framed as: "compared to what?". In both the United States and Brazil, there is a significant volume of cases involving issues such as workplace discrimination and domestic violence. According to Professor Nate, AI has substantial potential to handle these cases efficiently. Thus, the central issue is not whether AI is perfect, but whether it is better than the current system.

Although Artificial Intelligence (AI) technology has advanced significantly, it is still imperfect, requiring caution in its application within courts. One example cited was the use of ChatGPT by lawyers, who must take precautions to avoid fabricating fictitious cases. While judges around the world are already using AI to draft decisions, there are considerable risks. Studies conducted at Stanford University have shown that these tools frequently exhibit "hallucinations" – that is, they generate inaccurate or incorrect information. One example of this issue was mentioned in a statement on the use of AI in juries, highlighting cases where the technology provided false or distorted answers.

Professor Nate Persily reported that researchers at Stanford tested various AI tools designed for legal applications. While they found these technologies useful for document synthesis and case summaries, they are not yet prepared to accurately answer legal questions.

On the regulation of Artificial Intelligence, Professor Nate Persily outlined possible paths forward, based on two books published by Stanford University. He emphasized that AI regulation faces specific challenges, as its trajectory is difficult to predict due to the rapid pace of development and the fact that each update introduces new risks.

One example cited was the European experience in regulating AI. When the first legislative act on the subject was drafted, it focused primarily on facial recognition and its biases. However, with the emergence of ChatGPT and other generative AI tools, it became clear that the law did not account for this new reality, needing a complete revision of the regulatory framework.

A central question in this debate is how to regulate AI using the technology itself. Additionally, there is the question of whether regulation should be specific to areas such as law or encompass the technology as a whole. In Professor Nate's view, both approaches should be adopted simultaneously, while considering the particularities of different AI applications.

One of the greatest challenges in regulating AI lies in the asymmetry of expertise, resources, and technical capacity between the public and private sectors. Ensuring safety in the development of these technologies would require something practically unfeasible: guaranteeing that governments have access to the same level of talent and technical knowledge as major tech companies. To address this issue, it would be necessary to create specialized agencies capable of monitoring and regulating these advances.

Regulating AI is inevitable and must address issues such as intellectual property, defamation, and legal liability. A robust regulatory framework is essential to update legislation and define responsibilities in the use of these technologies. Within this logic, a specific regulatory model for foundational AI models would be necessary – a significant challenge for Brazil and other countries still structuring their policies on the subject.

Professor Nate Persily concluded his presentation by highlighting the significant advances made possible by Artificial Intelligence (AI). He mentioned, for example, the development of an AI tool by Google and other companies capable of identifying signs of diseases such as tuberculosis through the analysis of auditory patterns. He shared how journalists have used AI-generated avatars to protect their identities to voice criticism of authoritarian governments, ensuring greater safety in contexts of censorship and repression.

The professor also pointed to applications of AI in the field of human rights, citing initiatives by scientists in the United States and Canada who are using this technology to help recover endangered Indigenous languages, contributing to cultural preservation. In this way, he emphasized that although there are challenges and risks, AI is not limited to negative impacts. On the contrary, it allows traditional institutions and outdated systems to modernize and adapt to technological transformations. Thus, even amid concerns about this technology, it is also necessary to recognize its potential in promoting human rights and modernizing institutions.

Elisa Calcaterra

Deputy Resident Representative of UNDP Brazil

Ms. Elisa Calcaterra, Deputy Resident Representative of UNDP Brazil, took the floor to close the conference, expressing her gratitude to Justice Luís Roberto Barroso, who had to leave for another engagement, and to Professor Nate Persily for his inspiring presentation. In her remarks, she reaffirmed that Brazil stands out as one of the leaders in the use of Artificial Intelligence (AI), but at the same time, the country still faces challenges and uncertainties in the face of this rapidly advancing technology.

Continuing the discussion, Elisa Calcaterra asked Professor Nate what role Brazil should play in the global AI landscape, requesting his opinion on what the country's priorities should be in regulating AI – considering that, despite its structural challenges, Brazil has shown a significant commitment to using AI to promote human rights.

Nate Persily

Professor at Stanford University – (USA)

Professor Nate Persily began his response by emphasizing the need to reflect on the viability and challenges of using open-source Artificial Intelligence (AI). He noted that although many people question the effectiveness of open-source models, this is an issue Brazil must consider carefully. The country needs to decide whether it wants to democratize access to AI by allowing domestic companies to develop and use these technologies internally. However, he also warned that this approach carries significant risks, as the more accessible AI becomes, the greater the threats associated with its misuse. Thus, how countries make this decision presents a central challenge in AI regulation.

Professor Nate drew attention to a second relevant issue: how to avoid repeating the same mistakes made in regulating social media. He also mentioned the importance of discussing energy demands, including the possibility of relocating data centers to Brazil and the need for adequate infrastructure and climate conditions to support this demand.

He further emphasized that Brazil has the potential to shape its regulatory framework by following the European model, adapting it to its specific needs and challenges. However, he pointed out that the country already has significant advances in the use of AI in the public sector, as mentioned by Justice Luís Roberto Barroso. In this regard, he highlighted that Brazil is ahead of the United States in some areas, citing the electronic voting system as a consolidated innovation in the country.

For Professor Nate, the key issue for Brazil – and for any country dealing with AI regulation – is the need to make well-informed decisions and, above all, ensure that those decisions are increasingly transparent.

Concluding his remarks, Professor Nate emphasized the difficulty of separating the benefits and risks of AI. He observed that the same technology that could help discover a cure for cancer could also be used to develop destructive weapons. Since this separation is virtually impossible, the best strategy is not prohibition, but risk mitigation – ensuring that AI development proceeds ethically, safely, and responsibly.

Elisa Calcaterra

Deputy Resident Representative of UNDP Brazil

Ms. Elisa Calcaterra resumed the floor, thanking Professor Nate Persily for delving into these aspects and for his inspiring remarks. She emphasized how valuable it must have been for all attendees to reflect on the next steps to be taken. She concluded by once again thanking Professor Persily for his presence and officially declared the II Human Dignity Seminar – Access to Justice: Overcoming Barriers and Promoting Equality closed.


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