



Joinville, 13 April 2024

MATRIA - Mulheres Associadas, Mães e trabalhadoras do Brasil is a legally constituted non profit organization (CNPJ 52.872.940/0001-74), focused on protecting women and girls' sex-based rights.

We hereby submit a shadow report to the 88 session of the CEDAW Committee, when Brazil will be considered¹. We also ask for a meeting with the Committee.

The general issue we want to bring forward is the one consisting of the growing conflict between women and girl's sex-based rights and the demands made by the minority that self-declares under the "transgender umbrella". As in most countries of the west, women in Brazil have been violently silenced on that issue, persecuted, threatened (physically, psychologically, financially), considered "bigoted", "transphobic", "fascist" simply for bringing forth issues that have been arising ever more strongly in the last decade. All of this happens without any public debate on the theme, no legislative votes, only judicial decisions and recommendations by professional bodies².

A lot of the changes implemented, erasing the objective sex category and substituting it by the subjective and self-declared "gender identity", are based on false dated, as MATRIA has proved through an extensive report that can be read, in english, on our website: https://www.associacaomatria.com/_files/ugd/9c0993_833856800c3541358bb3d14f6156d5ad.pdf

The statements that "Brazil is the country that kills the most trans people in the world" and that "the life expectancy of trans people is 35 years old" are frequently used to justify changes that are rushed through without further studies or consideration of the impact on women and girls. Both are outrageously false.

¹ We allow this shadow report to be made public by the Committee.

² This is in line with what trans activist lobby suggest, as this document, ordered to the Dentons Law firm, makes clear: https://gendercriticalwoman.files.wordpress.com/2020/07/iglyo_v3-1-2.pdf (it has been taken down from their website, but be downloaded here)



Those statements are present in some of the civil society shadow reports present on the CEDAW website and we urge the Committee to read our report, take it into consideration and thread carefully whenever baseless data is thrown around, especially when referencing Associação Nacional de Travestis e Transexuais (ANTRA) as its source.

We also ask that our government is questioned on why it is making important decisions, with huge impact on women and girls, based on those false claims, even after being alerted of the issue.

Still as a preliminary remark, we wish to comment on a meeting held between the Conselho Nacional de Direitos Humanos (National Council for Human Rights), UN Women Brazil and the civil society, on March 18th, to talk about the upcoming consideration of Brazil at the 88 session at CEDAW.

At this meeting, the opening remark from UN Women Brazil representative, Maria Eduarda Borbas Dantas, was that we SHOULD, in our shadow reports, consider "gender" and not sex.

This in itself is a violence against women, as the two concepts are not the same, as recognized even in the Committee's General Recommendations (which are not binding, since not signed by the state parties):

"The term "gender" refers to socially constructed identities, attributes and roles for women and men and society's social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women." (recommendation 28)

When a Convention such as CEDAW asks questions about women and civil society is told to submit information based on gender, the concepts of "woman" and "gender" are being equated, making our fight against those "socially constructed identities, attributes and roles" that much harder.

How can we fight Richard Gardner's doctrine, enshrined in law in Brazil through the Parental Alienation Law, if we are to consider a woman to be someone made of "socially



constructed identities, attributes and roles" and not a whole human being, embodied in a sexed body? It is, after all, based on those socially constructed stereotypes that Gardner built his theory and that our law was passed: both consider women to be crazy, unstable, manipulative, to not accept the end of marriages, doing anything to hurt ex-partners, to the point of planting false memories of abuse in their children's mind.

To further support our point of view, we mention the "Position paper on the definition of "woman" in international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination Against Women", published by the Special Rapporteur on violence against women and girls, Reem Alsalem on April 4th 2024.

The distinction between sex and gender is of the utmost importance for women to be able to talk about their bodies, their sex-based rights and the conflicts that are arising since the evolution of the concept of gender to that of "gender identity", a completely subjective and thus unquestionable feeling, that makes the category "woman" open to anyone, through simple self-declaration.

On a final note on the meeting mentioned, it is worth saying that both the Women's Ministry representatives and the ones from the National Council for Human Rights told civil society that our shadow reports should be sent to them (to be forwarded to CEDAW), which we consider an undue attempt to control our free manifestations.

It is very important to have in mind that the answers we were informed the UN Women would give in 2024 and the ones given by the government in 2021 do not differentiate sex and gender/gender identity, making them inaccurate for good policy making or CEDAW's follow-up about their implementation.

We will now comment on a few of the questions posed by CEDAW.

Question 1:

In 2024, MATRIA has had two meetings with Instituto Brasileiro de Geografia e Estatística (IBGE), our national body for statistics, including one with the recently appointed



President. We have brought to him our concern over the changes that trans activist lobbyists are pushing for, with regards to the way questions are posed in statistical surveys.

Following what a lot of other countries have already implemented (with questionable results, as can be seen in the UK, where the census is currently being reviewed³), this pressure group wants our country to change the vocabulary to one scientifically incorrect, of difficult comprehension by the whole of the population (such as "sex assigned at birth") and also to ask of the whole population questions on their supposed "gender identity" (when only a tiny fraction of the population considers itself to have one), mixing in the possible answers listed the reality of sex (woman/man) and the concept of gender identity (trans woman/trans man, non-binary etc), once again confusing the population, as shown by preliminary results from the IBGE.

If those are implemented, there will be precious data lost.

Other statistics are being corrupted by the amalgamation of sex and gender/gender identity, such as "female criminality", suddenly artificially inflated by male sexed people who declare themselves to be women but maintain a male pattern of criminality. The same is true for many other areas.

What we ask for:

That the government is questioned about how it plans on having reliable statistics and thus a trusted basis for public policy, if sex and gender/gender identity are not kept as separate information in every single government system and statistics. As stated in the Report made by MATRIA on the "FALSE STATEMENTS ABOUT THE SELF-DECLARED TRANS POPULATION IN BRAZIL"⁴, the erasure of either sex or gender identity markers are harmful for women and trans-identified people:

3

https://www.researchgate.net/publication/367571244_Gender_identity_in_the_2021_Census_of_England_and_Wales_Anomalies

<https://www.thetimes.co.uk/article/trans-figures-data-census-2021-uk-investigation-h668jcgqs>

⁴ https://www.associacaomatria.com/files/ugd/9c0993_833856800c3541358bb3d14f6156d5ad.pdf



(...) the same organizations that, as we demonstrated, fabricated claims about life expectancy for self-declared trans people, have pressured both judicial system and government with demands that make it impossible to ever have a life expectancy indicator for people after they self-declare as trans. For this to be possible, as seen above, a “self-declaration marker” would be necessary in the Census and in all our government systems, especially in the Mortality Information System (SIM), without people’s sex being erased. However, what was demanded and accepted by the Supreme Court was the change, in all documentation of those who self-declare as trans, of the immutable “sex” marker (including a retroactive change in Birth Certificates). This model hides the reality not only regarding the size of the self-declared trans population, but also their living (and dying) conditions. Even without the official change of documents, at the request of transactivist groups, the government has accepted that each person presents themselves to official bodies with the so-called “social name”, a name that does not appear in any civil registry. In other words, part of the difficulty to carry out serious studies on violence against self-declared trans people and their life expectancy would not exist if the groups that supposedly represent their interests had not fought to erase the reality of their sexed bodies in documents, civil records and official systems, but rather to add information about self-declared “identities”.

Question 7:

The very first post the Ministry of Women did about a meeting with civil society, in January 2023, was with ANTRA representatives (male-sexed trans identified individuals), despite all the efforts women groups had been making to talk to the Minister Cida Gonçalves, specially where it concerned the Parental Alienation Law revocation. Since then, women have been relentlessly questioning the Ministry about the definition of "woman" it uses for public policy, without a clear answer⁵.

⁵ The questions were made by the thousands through social media, but also through the official channels, as can be seen on this link with more than 60 demands of information:

<https://buscalai.cgu.gov.br/?handler=search&ConsultaBasica.TermoPesquisa=defini%C3%A7%C3%A3o+muler&ConsultaBasica.IdOuvidoriaSelecionada=&ConsultaBasica.OuvidoriaSelecionada=&ConsultaBasica.Id>



What we ask for:

That the Ministry of Women is questioned by the Committee on the definition of “woman” it uses for policy,

That the Committee directs it to focus its attention, time, budget and resources of all types on women only.

There is an LGBT Secretariat under the Ministry for Human Rights and Citizenship and that’s where all trans or gender identity-related issues should be kept.

Questions 8 & 13:

Our “Election law” (Lei n.º 9.504/1997) states that a minimum of 30% of candidates in every party must go to each sex. It was in the same year that the Supreme Court decided that 30% of public party funds should be allocated to women’s campaigns, that it gave a ruling that the above mentioned law must be interpreted as talking about gender, not sex.

This means, once again, there wasn’t a debate in the adequate forum, the legislative sphere.

The consequence is that in the same moment women finally had a chance to be elected (since funds would be invested in their campaigns), “woman” became a category open to anyone, through self-declaration alone.

Predictably, we have seen a rise in the election of self-declared trans women, elected through female quotas, some of them becoming the “most voted women” ever in their cities or states⁶.

[TipoDecisaoSelecionada=&ConsultaBasica.TipoDecisaoSelecionada=&numPagina=0&maximoRegistrosPorPagina=30](#)

⁶

<https://brasil.elpais.com/brasil/2020-11-16/belo-horizonte-elege-sua-primeira-vereadora-trans-duda-salabert-que-faz-historia-com-votacao-recorde.html>

<https://gq.globo.com/Noticias/noticia/2020/11/da-prostituicao-camara-de-sp-conheca-historia-de-erika-hilton.html>

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There is great scrutiny regarding racial quotas each election, with numerous accusations of self-declaration fraud, but mysteriously this isn't the case when it comes to female quotas and male-sexed individuals who are elected as "women".

Data from our Supreme Electoral Tribunal⁷ shows that those who have made use of self-declared gender for the purposes of candidacy in 81% - 96,5% of the cases (depending on the year) are male-sexed individuals self-declaring as women. This should already give us pause.

What we ask for:

That our Election Law is respected and female quotas (30% of candidates and public party funding) are kept exclusively for the female sex.

Question 9 (a)

The government only reinforces discriminatory stereotypes when it decides that those stereotypes are what constitute a woman and thus any person performing them automatically becomes one in every regard, including our rights, sports, quotas, prisons etc., regardless of how it impacts women who have been fighting for decades to defeat those same stereotypes.

Considering how small the population that self-identifies under the "trans umbrella" is, it's hard to understand why the government so frequently puts male-sexed individuals forward in its most varied campaigns targeted at women⁸.

7

https://sig.tse.jus.br/ords/dwapr/r/seai/sig-candidaturas/nome-social?p7_menu=GENERO&clear=RP&sessio_n=327250920957133

8

<https://www.associacaomatria.com/post/minist%C3%A9rios-de-direitos-humanos-e-das-mulheres-zombam-das-mulheres-brasileiras-no-dia-internacional>
<https://www.associacaomatria.com/post/nota-de-rep%C3%BAdio-ao-tse-campanha-do-m%C3%AAs-das-mulheres-apaga-mulheres>



What we ask for:

That the Government is questioned on how it plans to advance the fight against harmful stereotypes while it seems to have adopted all those stereotypes as the definition of what a woman is.

To put an end to this, we ask the Government to never use male-sexed individuals in any campaign about women, but instead to use images of women and all our rich diversity, including those who do not perform harmful stereotypes.

Question 10

As has been already stated, there is a push for sex and gender to be conflated and for self-declared trans women to be counted as women in every statistic. This has been growing around the topic of femicide, with the media reporting the murders of self-declared trans women without mentioning their trans identity and making it seem like a femicide, or with the use of the expression “transfemicide” (that doesn’t exist in law).

Our Femicide Law (Lei n.º 13.103/2015), though, makes it very clear that a murder can only be considered a femicide if it is committed against a woman because of her female sex. As no one changes sex, it clearly should not be applied to male-sexed individuals. To do so is, once again, to warp the data needed for better public policy for women.

What we ask for:

That the Government is questioned about the National Plan to Combat Femicide⁹, announced in March (Women’s Month), but apparently only for show as, according to an answer MATRIA received from the Ministry of Women, it isn’t finished yet¹⁰.

That the Ministry of Women is questioned on why our request to participate as civil society (something possible according to the plan) hasn’t been answered since October 2023, and why ANTRA (an association of trans-identified males) has participated in meetings about this plan even before it was publicly announced.

9

<https://www.gov.br/mulheres/pt-br/central-de-conteudos/noticias/2024/marco/pacto-nacional-de-prevencao-a-os-feminicidios-lanca-plano-de-acao-com-73-medidas-para-enfrentar-a-violencia-contramulheres#:~:text=Plano%20Nacional%20de%20O%20Plano%20de.meio%20de%20a%C3%A7%C3%B5es%20governamentais%20intersetoriais%2C>

¹⁰ <https://buscalai.cgu.gov.br/PedidosLai/DetalhePedido?id=6947640>



We ask that the marker of sex is the one used throughout this plan, following the criteria used in the Femicide Law (Lei n.º 13.103/2015).

Question 14

As an association we have been contacted by a growing number of female teachers and students persecuted for their views that sex and gender are distinct concepts, always with the false accusation of “transphobia”. We have been decrying this for over a year, having so far only achieved one meeting within the Ministry of Education, without any further measure taken. These women are being silenced, forbidden to do their researches, socially ostracized to the point of dropping out or even attempting suicide. This is one more very serious consequence of the policy of a single discourse accepted when it comes to gender, gender identity and the definition of “woman”.

Women are being forced to include self-declared trans women in every subject they want to research, even when they center female only experiences, forced to change the vocabulary they want to use (even when there is a long tradition of female theory and research to back it up) and coerced not to broach certain topics.

In the testimonies we receive, the fear of bathrooms increasingly becoming single sex in schools and universities, with the excuse of being “gender inclusive”, also features high as an obstacle to attending classes. The same is true of other countries, with some of them going back on this sort of policy¹¹.

Civil society feminist group Correnteza Feminista heard from over 300 women on persecutions they were facing because of their views on the theme¹² and a significant number of them were being so in an educational setting.

¹¹

<https://www.architectsjournal.co.uk/news/government-bans-gender-neutral-toilets-in-all-new-public-buildings>

¹²

<https://correntezaefeminista.org/2023/09/26/mapeando-a-violencia-e-intimidacao-contra-mulheres-defensoras-dos-direitos-baseados-no-sexo-e-ou-que-nao-subscrevem-a-teoria-da-identidade-de-genero/>



What we ask for:

That our Government ensures freedom of thought, speech, research and debate at all levels of education, protects women and girls from violence for expressing their views and enforces measures that will allow them to do the researches they want to, either about their material reality in a sexed body or those necessary for the debate to go forward.

Question 18

There can be no talk of "evidence-based and scientifically accurate education on sexual and reproductive health and rights" when government campaigns do not use accurate words to describe the reproductive organs of men and women or our biological processes, when it says "men can menstruate/be pregnant/breastfeed" and other unscientific statements.

What we ask for:

That the government clearly uses the word "woman" in its campaigns whenever it is about our health and stops using scientifically incorrect expressions that confuse women, girls and the population in general, being even a risk to the health of those who might not understand the subject at hand. We ask for "evidence-based and scientifically accurate education on sexual and reproductive health and rights", meaning one that focuses on abuse prevention and on scientific facts about the human body, instead of focusing on "identities".

Question 20

Since 2020, the Conselho Nacional de Justiça (CNJ - National Council of Justice) has determined that self-declared trans people can serve their sentences in whichever institution they see fit¹³. Research in other countries shows that male-sexed individuals retain a male pattern of criminality¹⁴ and that the percentage of self-declared trans women

¹³ <https://atos.cnj.jus.br/atos/detalhar/3519>

¹⁴ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>



imprisoned for a sexual crime is higher than that of the general male population¹⁵. The number of known abuse of women in prison and shelters is unacceptable and will undoubtedly grow¹⁶. Not a single one of those (predictable) abuses should have happened: safeguarding measures exist (or should, in this case) so that not a SINGLE case of abuse happens. In this instance, it's not that the measures aren't being correctly implemented to protect women and girls in detention (or shelters), it's that as soon as a male-sexed person self-declares as a woman, there are NO safeguarding measures in place. The government is failing to protect women and girls in detention and shelters from sexual violence.

MATRIA has been painstakingly asking our 26 states and Federal District information on male-sexed prisoners in female prisons, information which is not forthcoming. Examples such as the reply from the Federal District¹⁷, though, have us very worried: there are 19 male-sexed inmates in female prisons there, all of them have self-declared as women after being convicted, none of them have had any type of body modification. When asked about eventual complaints made by female prisoners, the answer was that this is confidential information, leading us to believe there have been incidents already.

¹⁵ <https://committees.parliament.uk/writtenevidence/18973/pdf/>

¹⁶ Mexico:

<https://elcapitalino.mx/el-dia-en-titulares/reclusa-trans-abusa-de-companera-en-un-penal-del-edomex/>

USA:

<https://www.nbcnewyork.com/investigations/man-posing-as-transgender-woman-raped-female-prisoner-at-rikers-lawsuit-says/5067904/>

Argentina:

<https://www.mendozapost.com/nota/136722-un-presos-se-autopercebio-mujer-la-trasladaron-y-embarazo-a-otra-presa/>

UK:

<https://www.telegraph.co.uk/news/2018/10/11/transgender-prisoner-born-male-sexually-assaulted-female-in-mates/>

¹⁷ Memorando 468/2023 - SEAPE/COSIP/GPP/UNICON, from Nov 24th 2023, in reply to LAI-018528/2023.



Male-sexed bodies in female prisons is also a violation to female prison guards' rights¹⁸: being forced to touch a male-sexed body is considered sexual harassment under Law 13.718/2018¹⁹.

What we ask for:

That the government respects Art. 5, XLVIII, of our Constitution, which states that men and women MUST serve time in different prisons, separated by sex: this article is a stone clause of our Constitution and cannot be changed, as it has, in practice, by a decision from the CNJ. Our Constitution also establishes, in Art. 21 a penalty for the disregard of Art. 5 and the State should be held accountable to it.

We also ask that the Ministry of Women is questioned about the situation at Casa da Mulher Brasileira, one of its main projects to be announced to the Committee, where self-declared trans women are being housed with sexual abuse survivors, women traumatized by the actions of the male sex. Once again, a safeguarding risk and disrespect to victims of male violence..

Conclusion

We ask this Committee to question our government and instruct it to follow CEDAW itself, with regards to the distinction between sex and gender, making sure that the two concepts are always clearly separated in statistics and public policy, considering women and trans-identified individuals constitute different groups, with very different needs.

We ask that the language used by the government is always clear, scientifically accurate and respectful to women, who are not defined by body parts (uterus havers) or physiological processes (menstruators).

¹⁸

https://www.ladepeche.fr/2021/04/21/info-la-depeche-prison-de-seysses-un-detenu-change-de-sexe-et-obtient-son-transfert-au-quartier-des-femmes-9500986.php?_twitter_impression=true
<https://www.thetimes.co.uk/article/female-prison-staff-uneasy-about-intimate-searches-of-trans-inmates-j5md36sgz>

¹⁹ https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13718.htm



We ask that due democratic process be respected when laws are involved, meaning they shouldn't be changed through resolutions or legal decisions, without the involvement of those elected to the congress and senate.

We ask that women be protected in their freedom of thought, speech, debate, reunion, education and research, among all others guaranteed by our Constitution.

We ask, in accordance with CEDAW, that women's rights are never derogated to accommodate other group's rights.