

ANNEX I

NATIONAL COUNCIL OF JUSTICE

This matter concerns proceedings initiated to promote the necessary actions related to the submission of inputs for the preparation of the Brazilian State's response to the Office of the United Nations High Commissioner for Human Rights (OHCHR) regarding sexual violence, gender discrimination, institutional revictimization, and obstacles to access to justice faced by women survivors of sexual violence in Brazil.

The request refers to communication AL BRA 3/2026, which takes the Mariana Ferrer case as a reference and was jointly prepared by the Working Group on discrimination against women and girls, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the right to privacy.

According to the allegations received by OHCHR, Mariana Ferrer was allegedly the victim of sexual violence that occurred in December 2018 and, after reporting the incident, allegedly faced successive situations of embarrassment during institutional assistance, including forensic procedures carried out without adequate safeguards to protect her dignity, privacy, and psychological integrity.

In this context, information was requested from the Brazilian State regarding the following points:

I - Any additional information and/or comments on the allegations mentioned, including the status of the disciplinary investigations concerning the judge responsible for the first trial and of the case currently under analysis by the Federal Supreme Court.

II - Information on any access by Ms. Mariana Ferrer to effective remedies and reparations for the alleged violations, including compensation, psychological support, and reparatory measures related to the institutional treatment received, as well as guarantees of non-repetition.

III - Measures adopted to ensure that judges, prosecutors, defense lawyers, and public security agents apply a gender perspective in cases of sexual and gender-based violence, including the implementation of Law No. 14.245/2021 ("Mariana Ferrer Law") and of the National Council of Justice Protocol for Judging with a Gender Perspective.

IV - Clarifications regarding safeguards adopted to prevent the revictimization of survivors of sexual violence during criminal proceedings, including with regard to the protection of the dignity, privacy, and psychological integrity of victims during reporting, investigations, and trials.

V - Information on measures aimed at addressing structural obstacles to accountability in cases of sexual and gender-based violence, including mandatory training of justice system professionals, mechanisms for monitoring gender bias in judicial proceedings, and the review of evidentiary standards related to consent.

In this regard, the Ministry of Human Rights and Citizenship (MDHC), through its Special Advisory Office for International Affairs, sent an Official Letter (2630128) to the National Council of Justice, requesting contributions by 22 June 2026 concerning items I, III, IV, and V, addressing the following aspects:

- a) the current status of any disciplinary proceedings related to the conduct of judges in the Mariana Ferrer case;
- b) measures adopted for the implementation, dissemination, and monitoring of the National Council of Justice Protocol for Judging with a Gender Perspective;
- c) training, capacity-building, and awareness-raising actions for judges on issues related to violence against women, sexual violence, gender discrimination, access to justice, and prevention of revictimization;
- d) regulations, guidelines, protocols, or other initiatives aimed at protecting the dignity, privacy, and physical and psychological integrity of victims of sexual violence during judicial proceedings;
- e) institutional mechanisms intended to prevent, identify, and address gender biases and stereotypes in judicial activity;
- f) structural measures adopted to promote access to justice, protection of victims' rights, and accountability in cases of sexual and gender-based violence;
- g) any other information that this body considers relevant to support the Brazilian State's response to communication AL BRA 3/2026.

In this regard, the UMF/CNJ systematized the following information:

Item I and subparagraph (a): status of disciplinary investigations relating to the conduct of judges in the Mariana Ferrer case and to the proceedings pending before the Federal Supreme Court

It is reported that, at the 17th Ordinary Session of 2023, the Plenary of the CNJ unanimously approved the application of the sanction of warning to Judge [REDACTED] of the Court of Justice of Santa Catarina, within the framework of Disciplinary Administrative Proceeding No. [REDACTED]. In the view of the majority of the Council members, during the hearing in which Mariana Ferrer's testimony was taken, the judge failed to act when allowing excessive conduct by the defendant's defense lawyer, who allegedly offended the victim on several occasions.

Regarding the progress of the case under review by the Federal Supreme Court, it is noted that, in March 2026, the Supreme Court recognized, by majority vote, the general repercussion of the controversy raised in the case (Topic 1.451, ARE 1.541.125). Accordingly, the thesis to be established concerns the inadmissibility, pursuant to Article 5, item LVI, of the Federal Constitution, of evidence resulting from acts or omissions that violate the victim's fundamental rights, particularly her dignity and honor, by the judge and other procedural actors during evidentiary acts in proceedings involving sexual crimes. According to a review of the Supreme Court's website, the appeal was placed on the docket for judgment on 17 June 2026.

Item III and subparagraphs (b) and (e): measures adopted for the implementation, dissemination, and monitoring of the Protocol for Judging with a Gender Perspective, and institutional mechanisms for the prevention, identification, and addressing of gender stereotypes

The Protocol for Judging with a Gender Perspective was prepared in 2021 by the Working Group established by CNJ Ordinance No. 27/2021, with the participation of all branches of the judiciary (state, federal, labor, military, and electoral). The document addresses topics such as the assessment of victims' testimony, the identification of gender stereotypes in the production and evaluation of evidence, and the handling of cases involving sexual violence, providing parameters directly applicable to situations such as those described in AL BRA 3/2026.

In this regard, CNJ Recommendation No. 128/2023 instructed all Brazilian courts to adopt the Protocol as a parameter for judicial action, and CNJ Resolution No. 492/2023 consolidated that guidance by making the adoption of a gender perspective mandatory in judicial decisions throughout the Judiciary. Furthermore, to monitor implementation, the Monitoring and Training Committee on Judging with a Gender Perspective was established (CNJ Ordinance No. 329/2023), with responsibility for monitoring adoption of the Protocol by courts, identifying good practices, and proposing its continuous improvement.

Item IV and subparagraphs (d) and (f): regulations, guidelines, protocols, or other initiatives aimed at protecting the dignity, privacy, and physical and psychological integrity of victims of sexual violence during judicial proceedings

CNJ Resolution No. 680/2026, published in May 2026, incorporated into disciplinary administrative proceedings mechanisms intended to curb the revictimization of victims and witnesses in cases involving violence against women, sexual harassment, and offenses against sexual dignity.

The regulation added Article 18-A to CNJ Resolution No. 135/2011, prohibiting: I – statements regarding circumstances or elements unrelated to the facts under investigation; II – references by the parties or their representatives to elements relating to the victim's previous sexual life or lifestyle; and III – the use of language, information, or materials that offend the dignity of the victim or witnesses.

In this regard, the measure is consistent with Article 400-A of the Code of Criminal Procedure, introduced by Law No. 14.245/2021 (“Mariana Ferrer Law”), and represents the extension of the guarantees established by that law beyond the criminal sphere, reaching disciplinary administrative proceedings as well.

Also regarding subparagraph (f), concerning structural measures aimed at promoting access to justice, protecting victims’ rights, and ensuring accountability in cases of sexual and gender-based violence, it is noted that the CNJ established, through Ordinance No. 189 of 12 May 2026, the Permanent Axis for Combating Violence against Women within the National Human Rights Observatory of the Judiciary, with the objective of strengthening the monitoring of gender-based violence and improving policies aimed at the protection of women and girls.

The Axis is intended to support the work of the Judiciary through continuous monitoring, integration of judicial dashboards, data, and information, and the production of institutional intelligence. Its responsibilities include coordination with national and international institutions dedicated to defending the human rights of women and girls for the exchange of data and good practices, as well as the qualification and integration of data concerning domestic and family violence, femicides, emergency protective measures, and other proceedings related to gender-based violence.

Item V and subparagraph (c): training, capacity-building, and awareness-raising actions for the judiciary

It should be emphasized that CNJ Resolution No. 492/2023 established the mandatory training of judges in human rights, gender, race, and ethnicity, under an intersectional approach, a responsibility that has been carried out in coordination with ENFAM.

Furthermore, as an additional mechanism to encourage implementation of these guidelines, since 2023 the CNJ Quality Award has included a specific scoring criterion focused on the training of judges in human rights, gender, race, and ethnicity, pursuant to CNJ Resolution No. 492/2023. Accordingly, the measure encourages courts to carry out such training activities by linking them to an institutional performance indicator recognized nationwide.

In view of the foregoing, the present matter is forwarded to the General Secretariat, with the suggestion that the team responsible for gender-based violence issues within the CNJ be consulted in order to provide, should it deem appropriate, additional inputs.

**Assistant Judge to the Presidency of the National Council of Justice
Monitoring and Enforcement Unit for Decisions of the Inter-American Human Rights System**