

ANNEX III

**MINISTRY OF WOMEN – INTERNATIONAL ADVISORY OFFICE
OFFICIAL LETTER SEI No. 3922/2026/MMULHERES**

**To [REDACTED] General Coordination of
the Special International Affairs Advisory Office (CGINT), Ministry of Human
Rights and Citizenship (MDHC).**

**Subject: OHCHR Allegation Letter (AL BRA 3/2026). Concerns related to
allegations of sexual violence, gender discrimination, institutional revictimization,
and obstacles to access to justice faced by women survivors of sexual violence in
Brazil. Mariana Ferrer case.**

1. Cordially greeting you, the International Advisory Office of the Ministry of Women hereby submits the present inputs for possible incorporation into the response of the Brazilian State to the Allegation Letter (AL BRA 3/2026) transmitted by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which 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, through which concerns are conveyed regarding allegations of sexual violence, gender discrimination, institutional revictimization, and obstacles to access to justice faced by women survivors of sexual violence in Brazil.
2. The elements presented below address, in particular, the questions raised in the Allegation Letter concerning the progress of the case before the justice system, the adoption of normative, institutional, and jurisprudential measures to prevent revictimization, the application of a gender perspective in judicial proceedings, and the implementation of guarantees of non-repetition.

3. The information presented herein is based on inputs provided by the National Secretariat for Combating Violence against Women (SENEV), the records and public statements of the Office of the Attorney General of the Union in connection with ARE No. 1.541.125, General Repercussion Topic 1.451, before the Federal Supreme Court (STF), as well as information provided by the Ministry of Women regarding its national and international activities in the field of access to justice for women and girls.
4. Within the framework of SENEV, a technical submission was prepared to support the participation of the Office of the Attorney General of the Union, in the capacity of *amicus curiae*, in Extraordinary Appeal with Interlocutory Appeal (ARE) No. 1.541.125. The appeal arises from the criminal proceedings related to the Mariana Ferrer Case and was submitted to the Federal Supreme Court under General Repercussion Topic 1.451, for the establishment of a legal thesis on the validity of evidence and procedural acts produced in proceedings involving sexual crimes where there has been disregard for the victim's fundamental rights, especially her dignity, honor, privacy, and psychological integrity. The technical submission prepared by SENEV, which guided the position adopted by the Ministry of Women, emphasized the constitutional and social dimensions of the controversy, as it concerns the protection of women's human rights, access to justice, the prevention of institutional violence, and compliance with the international obligations assumed by Brazil in relation to gender equality and the fight against violence against women.
5. Based on these elements, the Office of the Attorney General of the Union requested its admission as *amicus curiae* in the proceedings concerning Topic 1.451, arguing that the constitutional analysis should not be limited to the specific case, but should encompass any procedural act involving gender-based violence or revictimization of the victim, whether through actions or omissions by the judge and other procedural actors. According to the Office of the Attorney General of the Union, evidence produced in such a context compromises the regularity of criminal proceedings and cannot be admitted in cases involving sexual crimes.
6. During oral argument before the Court, the Office of the Attorney General of the Union argued for the nullity of procedural acts carried out in a context of gender-based violence or revictimization of women, as well as for the unlawfulness and inadmissibility of evidence obtained under such circumstances, pursuant to Article 5, item LVI, of the Federal Constitution. The institution also reaffirmed the inadmissibility of arguments lacking a legal basis and grounded in gender stereotypes or moral judgment, in accordance with the understanding established by the Federal Supreme Court in ADPF No. 1.107, which prohibited the use of

elements relating to the victim's previous sexual life or lifestyle to challenge her credibility in proceedings concerning crimes against sexual dignity.

7. On 18 June 2026, the Federal Supreme Court rendered its judgment on the merits of Topic 1.451 and upheld the appeal, declaring the nullity of the hearing in which the victim's testimony was taken, as well as of the subsequent procedural acts, including the judgments rendered at first and second instance, and ordered the conduct of a new evidentiary phase and the resumption of the proceedings. The legal thesis established by the Court provides that evidence obtained during criminal proceedings involving sexual crimes shall be deemed null and void when produced in disregard of the victim's fundamental rights, particularly her dignity, honor, privacy, and psychological integrity, as well as all procedural acts directly derived therefrom.
8. The legal thesis established by the Federal Supreme Court further provides that: nullity may be declared *ex officio* or invoked by the Public Prosecutor's Office or by the victim; an acquittal supported by sufficient evidence independent of the victim's testimony shall not be annulled; disciplinary, civil, and criminal liability shall be investigated with respect to those who violate Article 400-A of the Code of Criminal Procedure; and evidentiary hearings in cases involving sexual crimes, subject to the consent of the victim, shall be recorded and included in the case file, while preserving the necessary confidentiality.
9. The judgment of Topic 1.451 constitutes an important jurisprudential milestone in the State's response to the concerns raised in the Allegation Letter, by establishing constitutional parameters for the protection of the dignity, honor, privacy, and psychological integrity of victims of sexual crimes, as well as for the accountability of actions or omissions by agents and procedural actors that result in institutional violence or revictimization.
10. At the normative level, particular note should be taken of Law No. 14.245, of 22 November 2021, known as the Mariana Ferrer Law, which introduced amendments to the Penal Code, the Code of Criminal Procedure, and the Special Courts Law, with the objective of preventing the practice of acts that violate the dignity of victims and witnesses, especially during hearings and other procedural acts. The law forms part of the Brazilian legal and institutional framework aimed at preventing and combating institutional violence and gender discrimination within the justice system, together with resolutions and recommendations issued by the National Council of Justice (CNJ) and the National Council of the Public Prosecution Service (CNMP), as well as the international human rights treaties ratified by the Brazilian State.
11. Complementing the legal framework established by the Mariana Ferrer Law, the institutional incorporation of a gender perspective within the Brazilian Judiciary should also be highlighted. The National Council of Justice established the

Protocol for Judging with a Gender Perspective, initially through CNJ Recommendation No. 128/2022 and subsequently made its observance mandatory through CNJ Resolution No. 492/2023. The CNJ also maintains a Database of Judgments and Decisions Applying the Protocol, a tool designed to support the implementation of its guidelines, disseminate good practices, and promote expanded access to justice for women and girls. The CNMP, in turn, is in the process of releasing its own protocol for action with a gender perspective.

12. Within the field of public policies, an interinstitutional coordination effort is currently underway between the Ministry of Justice and Public Security and the Ministry of Women for the establishment of an Interministerial Working Group tasked with drafting a national protocol for assistance to victims of sexual violence, to be adopted by the Civil Police and the Forensic Police. The initiative seeks to standardize procedures, strengthen the specialized performance of the professionals involved, improve victim reception, and ensure assistance that is humane and centered on the needs of victims.
13. The national protocol is expected to include guidelines aimed at protecting the dignity, privacy, and physical and psychological integrity of victims, as well as improving the collection of evidentiary elements and preventing revictimization throughout all stages of assistance and investigation. The measure responds directly to the concerns raised by the Special Procedures regarding the need for institutional safeguards from the crime-reporting stage, police assistance, and forensic examinations through to judicial proceedings.
14. In the field of international engagement, it should be noted that the Ministry of Women led the Brazilian delegation to the 70th Session of the United Nations Commission on the Status of Women (CSW), held in New York from 9 to 19 March 2026. CSW70 had as its priority theme ensuring and strengthening access to justice for women and girls, while also addressing political participation, combating violence, and the empowerment of older women. The composition of the Brazilian delegation was publicly disclosed by the Ministry of Women and included representatives from civil society, academia, the justice system, the Legislative Branch, and municipal, state, and federal governments. Mariana Ferrer was a member of the Brazilian delegation to CSW70. This reference is relevant in the context of the present response, as it demonstrates that the issues of access to justice for women and girls, the centrality of victims, the fight against gender-based violence, and the prevention of revictimization have also been addressed by Brazil in multilateral forums, with social participation and dialogue among different institutional sectors.

15. It should further be noted that the Minister of Women, Márcia Lopes, made a public statement on the occasion of the Federal Supreme Court's judgment of the appeal (ARE No. 1.541.125), highlighting the institutional significance of the case for the protection of rights, the dignity of victims, access to justice, and the fight against institutional and gender-based violence. Likewise, the Ministry of Women has engaged in dialogue with institutions of the justice system on equity-related agendas, including initiatives aimed at strengthening reception policies, anti-discrimination awareness, and judicial action informed by a gender perspective.
16. With regard to specific information concerning the progress of disciplinary proceedings, judicial proceedings conducted under seal, the victim's access to reparatory measures, possible psychosocial support, procedural safeguards to prevent revictimization, and other measures implemented within the justice and public security systems, it is understood that supplementary information should be coordinated by the Ministry of Human Rights and Citizenship (MDHC) with the competent bodies, particularly the Ministry of Justice and Public Security, the National Council of Justice, the National Council of the Public Prosecution Service, the Federal Supreme Court, the Court of Justice of the State of Santa Catarina, and other institutions of the justice system, subject to the legal limits relating to publicity, confidentiality, protection of personal data, and the victim's privacy.
17. The International Advisory Office of the Ministry of Women remains available to provide any additional information within the scope of its competencies, particularly with regard to the international activities of the Ministry of Women, Brazil's participation in CSW70, and initiatives for cooperation and multilateral advocacy related to the promotion of gender equality, access to justice for women and girls, and the fight against all forms of violence against women.
18. Having provided the foregoing information, the present inputs are hereby submitted for consideration and possible incorporation into the consolidated response of the Brazilian State to Allegation Letter AL BRA 3/2026.

Respectfully,

Electronically signed document



Head of the International Advisory Office