

**Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: AL BRA 1/2025  
(Please use this reference in your reply)

21 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the rights of persons with disabilities; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on contemporary forms of slavery, including its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 53/9, 53/14, 52/36, 51/15 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of trafficking in persons for purposes of domestic servitude of Ms. Sônia Maria de Jesus, as well as the related lack of accountability and access to effective remedy for the alleged victim of these serious human rights violations and abuses, including contemporary forms of slavery.**

According to the information received:

Ms. Sônia Maria de Jesus is a 50-year-old woman of African descent with disabilities, who is illiterate and from a poverty-stricken background. Reportedly, when Ms. Sônia Maria de Jesus was a child, her mother temporarily entrusted Ms. Sônia Maria de Jesus' care to [REDACTED], a psychologist at the nursery attended by Ms. Sônia Maria de Jesus. This was due to her mother's concern for her safety in the context of several episodes of domestic violence by the child's father. Reportedly, this decision was a common measure adopted by vulnerable families, who would entrust their children to wealthier families with the aim of reducing their exposure to socio-economic hardship or violence. Reportedly, in this particular case, it was agreed that Ms. Sônia Maria de Jesus would stay under the care of [REDACTED] only until the situation of domestic violence was resolved and in the meantime contact between mother and daughter was to be maintained.

However, according to the information received, [REDACTED] took Ms. Sônia Maria de Jesus to visit her mother just once and never returned, despite the resolution of the situation of domestic violence. Ms. Sônia Maria de Jesus's mother continued to search for her daughter until her death.

According to information received, the whereabouts of Ms. Sônia Maria de Jesus were unknown to her family until recently when the Brazilian Labor Prosecutor's Office (*Ministério Público do Trabalho - MPT*, in Portuguese)

received an anonymous complaint reporting various abuses of Ms. Sônia Maria de Jesus's rights by a family in the state of Santa Catarina. The abuses are reported to have been committed by [REDACTED], and the following members of his family: [REDACTED], his wife; [REDACTED], his mother-in-law and the above-mentioned psychologist; [REDACTED], his daughter; [REDACTED], his daughter; and [REDACTED], his son.

According to the information received, while Ms. Sônia Maria de Jesus was still a child, she worked for [REDACTED] for about two years between approximately 1981 and 1983. In 1983, she started working at the house of [REDACTED] who are the daughter and son in law of [REDACTED]. For decades afterwards, Ms. Sônia Maria de Jesus continued to work in the [REDACTED] family home in conditions that allegedly amounted to domestic servitude, a contemporary form of slavery. As a domestic worker, she was reportedly assigned tasks such as sweeping, cleaning or serving meals, but did not receive any salary or had any labor or social security rights recognized. She never had her Brazilian labor and social security card (*Carteira de Trabalho and Previdência Social – CTPS*, in Portuguese) signed. According to Brazilian national legislation, the signature of the card formalizes an employment relationship, specifying the rights and obligations of both parties, and requiring the payment of all relevant pension and other social security contributions.

Ms. Sônia Maria de Jesus is reportedly a woman with multiple disabilities, including bilateral deafness, monocular vision and other disabilities that have not yet been formally diagnosed. Preliminary observations shared indicate that due to her different disabilities, her healthcare requires a multidisciplinary approach, including physical, psychological and emotional care and support, to guarantee her dignity and autonomy. However, during her time at the [REDACTED] family as a child she did not have access to primary compulsory education. Ms. Sônia Maria de Jesus is illiterate in Portuguese and in sign language. To this day, her communication is based on gestures and occasional sounds. Reportedly, from the age of nine until the age of 49, there are no records of Ms. Sônia Maria de Jesus attending regular or specialized schools for deaf persons.

It was reported that during her employment by the [REDACTED] family she was ill on different occasions and in need of medical assistance. She lost several teeth and had an ear infection that was left untreated. Reportedly her vaccination record was also incomplete at the time of her rescue by the labour inspection authorities and there are no records of her attendance to any health clinic in the years of her employment with the [REDACTED] family, despite the health issues witnessed by other employees of the family. Her private health insurance only came into force on 17 August 2021. Concerns were also raised regarding lack of access to any menstrual education and care, including access to sanitary pads.

It is reported that Ms. Sônia Maria de Jesus' first identification document was only issued on 22 October 2019, many years after she was placed under the care

of the [REDACTED] family. She also only allegedly received her national insurance number (*Cadastro de Pessoa Física - CPF*, in Portuguese) on 23 July 2021. This means that until the age of 48, she did not have any identification document. During her time with the [REDACTED] family, Ms. Sônia Maria de Jesus had allegedly no contact with anyone outside of the family and the other house employees, including her biological family.

According to information received, after receiving an anonymous complaint, the Brazilian Labor Prosecutor's Office carried out an investigation, compiling all the information on the situation of Ms. Sônia Maria de Jesus, including official documents, and testimonies from former employees of the [REDACTED] family. Based on the information gathered, on 6 June 2023, Ms. Sônia Maria de Jesus was rescued during a Mobile Inspection Group operation. The operation was led by Labor Inspector Humberto Camasmié, of the Santa Catarina's Regional Labor Superintendency (SRT), accompanied by members of the Federal Police, the Federal Public Defender's Office, the Federal Prosecutor's Office and the Labor Prosecutor's Office. The operation was carried out at the home of [REDACTED] and his wife, [REDACTED], in Florianópolis, Santa Catarina. During the rescue operation, the agents reportedly witnessed that Ms. Sônia Maria de Jesus was living in a moldy room. Witness reports also describe instances of violence perpetrated by the family against Ms. Sônia Maria de Jesus, such as hair pulling and pinching.

After her rescue, Ms. Sônia Maria de Jesus was reportedly brought to a shelter where she received health care and started to learn sign language. A recovery programme based on her needs was developed to facilitate her return to her biological family.

However, in September 2023, a judge in the Superior Court of Justice reportedly authorized a reunion of Ms. Sônia Maria de Jesus with members of the [REDACTED] family, despite them being under investigation. The Federal Public Defender's Office filed an Habeas Corpus against this decision (number 232.303/DF) in favor of Ms. Sônia Maria de Jesus, with the purpose of prohibiting the members of the [REDACTED] family from having any contact with her, as determined by the national protocol for rescuing people from slavery. The Habeas Corpus was rejected on the grounds that the judge who had initially authorized the reunion had sufficient elements to determine the adequacy of such reunion. Additionally, according to the Superior Court of Justice judge's decision, if Ms. Sônia Maria de Jesus manifested her "express, clear and unequivocal consent" during the reunion with the [REDACTED] family, [REDACTED] could take her back to his house.<sup>1</sup>

According to information received, the reunion between Ms. Sônia Maria de Jesus and the members of the [REDACTED] family took place in a very delicate emotional setting and under strong emotional pressure from the [REDACTED] family and their lawyers. The visit was recorded by the security cameras at the Federal Police headquarters. During the reunion, a false sense of "family" was reportedly forged by the [REDACTED] family, during the visit in September

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<sup>1</sup> [https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/DespachoHC232303\\_MC\\_892023.pdf](https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/DespachoHC232303_MC_892023.pdf)

2023, and Ms. Sônia Maria de Jesus was taken back to the family's residence. Following the return of Ms. Sônia Maria de Jesus to the [REDACTED] family, she was removed from the shelter and the educational and recovery programmes she had been following since her rescue. To date, Ms. Sônia Maria de Jesus continues to live with the [REDACTED] family. Currently, the [REDACTED] family is proceeding with a request for the legal recognition of "socio-affective filiation" of Ms. Sônia Maria de Jesus, a form of adoption in the Brazilian legal system. This step has reportedly been taken as a result of the labour inspection investigation.

Regarding the decision of bringing Ms. Sônia Maria de Jesus back to the alleged perpetrators of domestic servitude and other human rights abuses, the Brazilian National Commission for the Eradication of Slave Labor (CONATRAE in Portuguese) issued a public note. In this note, they deemed the decision to return Ms. Sônia Maria de Jesus to the [REDACTED] family as 'absolutely unacceptable' (Nota Publica da CONATRAE – 1/2023). They highlighted that the alleged consent is irrelevant in cases of contemporary forms of slavery. The note also expressed concern that the return of Ms. Sônia Maria de Jesus publicly discredits the effectiveness of the National Policy to Eradicate Slave Labor. It also notes that the Maria da Penha Law (Lei No. 11.340) which provides measures to sanction, prevent and protect women against domestic and family violence, establishes that under no circumstances should a woman in a situation of violence have direct contact with suspected perpetrators and people related to them.

The National Human Rights Council also published a note expressing its concern about the return of Ms. Sônia Maria de Jesus to the [REDACTED] family. In the note, the National Human Rights Council states that "[i]t is inconceivable that Sônia Maria's return to the context of violation will serve her interests, but instead it serves the defense of her perpetrators. In other words, the judicial process, which should be committed to her protection, ends up perpetuating her dehumanization" (National Human Rights Council. Nota CNDH 27/2023). It has been brought to our attention that the Brazilian Ministry of Human Rights and Citizenship also took measures to raise visibility about the case in June and August 2024, but no actions were concretely taken by the Judiciary to revert the situation.

The case was also brought to discussion before the Brazilian Senate Human Rights Commission during a debate regarding contemporary forms of slavery in the domestic sector, in which the General Coordinator of Labor Inspection at the Ministry of Labor (MTE), Mr. André Roston, highlighted the danger of the precedent of the annulment of the rescue of the present case for the fight against this type of crime in Brazil. Allegedly, the decision by the Superior Court of Justice leaves Ms. Sônia Maria de Jesus unprotected and exposed to the perpetrators.

## General background of trafficking in persons, slavery and forced labour in domestic work in Brazil

The statistics from the Digital Observatory of Slave Labor in Brazil indicate that, from 1995 to 2023, 63.516 workers were found in conditions analogous to slavery, and an average of 2.104,7 persons per year were rescued in the same period. Out of these, 66% of the victims are Afro-descendants and 75.3% are illiterate or did not complete mandatory education.

Regarding identification of victims of trafficking in persons, slavery and forced labour in the domestic workers sector, despite the difficulties linked to inspection of private households, since 2017 to 2023, according to the observatory there have been 98 cases, and 82 of them were registered in the last 3 years (January 2021 to September 2023). Most of identified victims were women of African descent - working for the same “employer” for a long period, often since childhood. To justify the absence of any formalization of their work, they are presented by their “employers” as “being part of the family”, not as employees.

In this regard, the Brazilian Government enacted the Complementary Law No. 150 (also known as LCP 150) in June 2015, to establish the definition and the rights of domestic workers. The law aimed at formalizing domestic work by issuing a contract and put an end to the justification used by many employers that these victims were in fact part of the family, in order to evade their labor obligations.

While we do not wish to prejudge the accuracy of the information made available to us, we are concerned at the reported situation of exploitation and abuse committed against Ms. Sônia Maria de Jesus by her employers. Her re-victimization by returning her to the perpetrators further aggravates the situation as it exposes her to further serious harm. In this regard we would like to highlight the obligations of Brazil stemming from article 8 of the International Covenant on Civil and Political Rights (ICCPR), accessed by Brazil on 24 January 1992, which prohibits slavery and the slave-trade in all their forms, servitude and forced or compulsory labour, as well as article 6 of the American Convention on Human Rights on the prohibition of slavery ratified by your Excellency’s Government on 7 September 1992.

We would also like to bring to your Excellency’s Government attention the obligations enshrined in the Convention on the Rights of Persons with Disabilities, ratified by your Excellency’s Government on 1 August 2008, for example, article 16, on Freedom from exploitation, violence and abuse and obligations of States Parties to “take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs”, as well as to “put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”

We are concerned that the alleged situation of exploitation and lack of early identification and lack of access to education, as well as appropriate care and support as per article 24 of CRPD, has exacerbated Ms. Sônia Maria de Jesus de Jesus situation of vulnerability and further hindered the realization of her rights under the CRPD, such as the right to Living independently and being included in the community (article 19) among others.

The situation described can also be defined as trafficking in persons and forced labour, as per the definitions set forth in article 3 of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, ratified by your Excellency's Government on 29 January 2004 and article 2 of the Forced or compulsory labour is defined in the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), ratified by your Excellency's Government on 25 April 1957. The human rights violations reported also constitute indicators of forced labour as established by the ILO: Abuse of vulnerability; restriction of movement; isolation; physical violence; retention of identity documents; withholding of wages; debt bondage; abusive working and living conditions and excessive overtime.

We are also concerned about the decision by the judge in the Superior Court of Justice to return Ms. Sônia Maria de Jesus to the alleged abusive employer. Returning a victim to the place of exploitation does not only perpetuate human rights abuses but also impedes victim's access to effective assistance, support and protection. In this regard we wish to highlight positive obligations emanating from article 6 of the Palermo Protocol on assistance and protection, in particular , “ each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of: (a) Appropriate housing; (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; (c) Medical, psychological and material assistance; and (d) Employment, educational and training opportunities”. It is also particularly relevant for this case paragraph 4 of article 6, which requires States Parties to “take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care”. We are concerned that in light of the information received, Ms. Sônia Maria de Jesus is currently denied of any of the measures that in line with the above obligations had been accorded after the rescue had taken place in 2023. According to information received, this was the first time such a decision has been taken by a court after the rescue of a victim by the Labour Inspectorate. We are concerned at the dangerous precedent it sets for similar cases. Regarding the request for socio affective recognition made by the employers, we are concerned that if a positive response is reached, it can set a precedent to other employers of domestic workers in similar situations and contribute to perpetuating situations of exploitation and abuse.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details, and where available the results, of any investigations, prosecution or criminal charges, and other inquiries carried out in relation to the allegations.
3. Please provide information on whether Ms. Sônia Maria de Jesus had procedural accommodations, including individualized assistance, during the investigation and judicial proceedings as per the Convention on the Rights of Persons with Disabilities.
4. Please provide information on the measures being taken to ensure compliance with the State's obligation of due diligence to prevent trafficking in persons, including, in particular, domestic workers, and to ensure early identification and effective access to protection, and access to effective remedies, including to compensation. Further, please provide information on how these measures are accessible for and include persons with disabilities.
5. Please provide information about steps that have been taken to protect those particularly vulnerable to trafficking and contemporary forms of slavery, such as Afro-descendants, women, and persons with disabilities.
6. Please provide information on legislative or policy reforms, if any, that are being considered or implemented to strengthen the protection of domestic workers and individuals at risk of forced labor and trafficking, particularly Afro-descendant women and persons with disabilities.
7. Please provide information about steps that have been taken to ensure the due diligence obligation not only in relation to preventing trafficking, but also to 'preventing violence against women' under CEDAW and its General Recommendations, especially 19 and 35.
8. Please indicate what measures are taken to ensure that the human rights of Ms. Sônia Maria de Jesus are being protected and fulfilled and what guarantees of nonrecurrence have been put in place to avoid further re-victimization, in particular as a result of the decision to return her to the alleged perpetrators.
9. Please indicate what measures have been taken to ensure that judicial and administrative decisions in cases of contemporary forms of slavery and trafficking in persons comply with international human rights standards.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Siobhán Mullally  
Special Rapporteur on trafficking in persons, especially women and children

Heba Hagrass  
Special Rapporteur on the rights of persons with disabilities

K.P. Ashwini  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

Tomoya Obokata  
Special Rapporteur on contemporary forms of slavery, including its causes and  
consequences

Laura Nyirinkindi  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government's attention to the relevant international human rights norms and standards that are applicable to the issues brought forth by the situation described above.

In addition to already mentioned relevant standards, we would like to bring your Excellency's Government attention to the Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, which further contributes to international standards regarding the elimination of all forms of slavery. Article 4 states that "no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms." Slavery is specifically defined in article 1(1) of the Convention to Suppress the Slave Trade and Slavery 1926 (the "1926 Slavery Convention"), as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". This is reproduced in the Supplementary Slavery Convention, article 7, both Conventions ratified by your Excellency's Government on 6 January 1966. Article 6 of the same convention requires the criminalisation and punishment of "enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery". The definition is reproduced in substance in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (article 7), and the definition of "enslavement" in article 7.2(c) of the statute of the ICC (the "Rome Statute"), ratified by your Excellency's Government on 20 June 2002.

We also wish to bring your Excellency's Government attention again to article 6 of the American Convention on Human Rights on the prohibition of slavery. In this regard, we would like to recall the jurisprudence of the Inter-American Court of Human Rights in the case of the *Trabajadores de la Hacienda Brasil Verde vs. Brasil* regarding the positive obligations of States to protect individuals from human rights violations committed by private actors. In 2016, the Court explicitly held that, in order to comply with the obligations set forth in article 6 of the American Convention on Human Rights, States were obliged to adopt positive measures, the exact nature and scope of which would be determined according to the specific protection needs of the rights holders. To comply with article 6, States must adopt all appropriate measures to end and prevent slavery, which means having an adequate legal framework that is effectively applied. The framework must be comprehensive, address risk factors and improve institutional response. In addition, States should adopt preventive measures in specific cases where certain groups are vulnerable to trafficking.

Regarding the protection of victims of trafficking in persons, in addition to the above, we would like to draw your Excellency's Government attention to the Palermo Protocol to articles 9 (in addition to article 6) setting out obligations on State Parties on prevention and protection against re-victimization. Regarding forced labour, Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) reaffirms that measures of prevention, protection and remedies, such as a compensation, rehabilitation, are necessary to achieve effective and sustained suppression of forced and compulsory

labour.

We recall again article 8 of the International Covenant on Civil and Political Rights (ICCPR), which prohibits slavery; slavery and the slave-trade in all their forms, servitude and forced or compulsory labour and article 35 of the Convention on the Rights of the Child, ratified by your Excellency's Government on 24 September 1990, given the early age at which the victim was first allegedly exploited, which calls States to "take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form", as well as article 32 against economic exploitation, and article 9 regarding separation of their parents, which can only be established when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Regarding obligations under article 9 we also wish to reiterate Convention article 9 paragraph 3 stating that "States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests". Finally, we wish to bring your Excellency's Government attention to article 23 recognizing "that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community".

We would also like to remind your Excellency's Government of obligations under articles 2 and 6 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by your Excellency's Government on 1 February 1984, which requires States Parties to take all appropriate measures, including legislation, to suppress all forms of trafficking in women. We also recall CEDAW general recommendation 38 on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38). In particular recommendations regarding victim identification and victims' assistance and protection, as stated in paragraph 38 on the positive obligations on States to identify victims of trafficking, and paragraphs 39 to 41 on the obligations of States to provide victims with high-quality support services with immediate availability, which must be inclusive and accessible, include access to information on their rights, the medical, psychological, social and legal services available to them and how to acquire access to them, as well as to safe and appropriate accommodations.

Furthermore, the CEDAW stated that 'trafficking in women and girls is exacerbated, among others factors due to the breakdown of political, economic and social structures, instability and poor governance, including the absence of the rule of law, increased militarism, the availability of small arms, the weakening or loosening of community and family ties, the high incidence of widowhood and the 'normalisation' of gender-based violence, including conflict-related sexual violence, as an aggravating factor of pre-existing structural gender-based discrimination against women and girls' (CEDAW/C/GC/38, paragraph 34). In this context, we would like to refer to paragraph 33 of the General Recommendation to remind your Excellency's Government that 'the obligations of States parties do not cease in the context of states of emergency resulting from conflicts, political events, health crises or natural disasters. Women and girls are more vulnerable to gender-based violence, including trafficking, when they are unable to meet their basic needs.

We would also wish to recall obligations stemming from the International Covenant on Economic Social and Cultural Rights (ICESCR ratified by your Excellency's Government on 24 January 1992, and in particular to article 7 of the International Covenant on Economic, Social and Cultural Rights, which recognizes the "right of everyone to the enjoyment of just and favourable conditions of work". Such conditions must ensure, inter alia, remuneration, which provides all workers, as a minimum, a decent living for themselves and their families, safe and healthy working conditions, rest, leisure, and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. We also bring attention to article 12 recognizing the right of all to the enjoyment of the highest attainable standard of physical and mental health.

We would also like to remind your Excellency's Government of obligations under the Convention on the Rights of Persons with Disabilities, ratified by your Excellency's Government on 1 August 2008, in particular articles 6, 15, and 16. Article 6 requires States parties to recognize the multiple discrimination that women and girls with disabilities are subject to, and take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms. Additionally, article 15 requires States Parties to take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment. Further, article 16 obliges States Parties to take measures to protect persons with disabilities from all forms of exploitation, violence and abuse, including their gender-based aspects, and take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. We would also like to recall the statement by the Special Rapporteurs on trafficking in persons and on the rights of persons with disabilities, in which they underscored the right of persons with disabilities to reasonable accommodation to guarantee access to all prevention, assistance and protection measures to combat trafficking on an equal basis with others. The Experts called on all States to ensure that measures to combat trafficking in persons are universally accessible and ensure equal access to justice without discrimination, respect for inherent dignity, and individual autonomy and agency of persons with disabilities, including the freedom to make one's own decisions.

We would also like to bring to the attention of your Excellency's Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this context, we recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its general recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women whether perpetrated by a State official or a private citizen, in public or private life. We would also like to refer to CEDAW general recommendation No. 35 -- on gender-based violence against women, updating general

recommendation No. 19.

CEDAW general recommendation No. 35 sets out States' obligations on reparations and states, "(a) Provide effective reparations to victims/survivors of gender-based violence against women. Reparations should include different measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition, in line with general recommendation No. 28, general recommendation No. 30 and general recommendation No. 33. Such reparations should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered."

The Working Group on Discrimination against Women and Girls, in its report on women deprived of their liberty (A/HRC/41/33), stated that lack of choice and opportunities push women into the realm of human trafficking, contemporary forms of slavery and exploitative surrogacy arrangements that may result in varied forms of confinement, exploitation and violence (paragraph 60). Women experience imprisonment in ways that are unique to them and they are often exposed to greater discrimination, stigmatisation and violence because of their gender. Their experiences will also differ not only because of gender dynamics but also because of factors such as age, disability, race, ethnic origin or socio-economic status, which combine to create distinct situations of discrimination and vulnerability (paragraph 13).

The Working Group on Discrimination against Women and Girls, in its report on Gendered inequalities of poverty (A/HRC/53/39), stressed that the persistence of situations akin to slavery or indentured servitude among local and migrant domestic workers, and the ways in which these practices contribute to maintaining women and girls in situations of poverty and exploitation (paragraph 39). At the same time, the Working Group affirmed that the gender inequalities and poverty have increased sexual violence and exploitation and trafficking in women and girls (paragraph 42).

In relation to the State's obligations to prevent and protect victims of trafficking, we would like to recall the obligation of due diligence. In this regard, States have a positive obligation to protect individuals from human rights violations committed by private actors. Due diligence obligations have been articulated in areas applicable to trafficking in persons, including the right to life, violence against women and gender discrimination, along with a number of specific obligations relevant to trafficking. I would like to refer your Excellency to the Report of the Special Rapporteur on Trafficking in persons (A/HRC/50/33) and "on the purpose of human rights due diligence as being prevention of harm, including prevention of the serious human rights violation of trafficking in persons".

In addition, we would like to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the Office of the High Commissioner for Human Rights in July 2002. In particular, we would like to refer to guideline 9 recalling the international legal rights of trafficked persons as victims of human rights violations to adequate and appropriate remedies, including compensation. Finally, principle 13 of the Principles and Guidelines states that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or non-State actors". We would

also like to refer to principle 13 of these recommended Principles and Guidelines, which provide that “States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors”.

We also wish to refer to articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) acceded to by your Excellency’s Government on 27 March 1968. Article 1 defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” Article 2 contains a comprehensive prohibition of all forms of racial discrimination, as defined by article 1 of the Convention. Article 5, which should be read in conjugation with article 2, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of a number of rights. These rights include *inter alia* the right to equal treatment before the tribunals and all other organs administering justice; the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution; the rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; right to public health, medical care, social security and social services; and the right to education and training.

In their 2022 concluding observations on Brazil (CERD/C/BRA/CO/18-20), the Committee on the Elimination of Racial Discrimination expressed concern that “Afro-Brazilian women constitute the majority of domestic workers, who often work in exploitative, precarious and insufficiently regulated conditions, and those who perform unpaid care work”. They recommended that Brazil “review the regulatory framework, including a living wage, for domestic workers to ensure better labour market protection for Afro-Brazilian women engaged in this form of work”. Following her 2024 visit to Brazil the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, expressed concern about reports of “the economic exploitation and restrictions of the freedom of movement of domestic workers, predominantly women of African descent”. She called upon Brazil to take “urgent action to address gaps and challenges in effectively addressing exploitative domestic work, including the provision of services to support the psychosocial rehabilitation of survivors who are rescued by the State.”

Regarding the racial and gender discrimination that permeates domestic work, and in particular in this case, we also wish to bring back your attention again to the judgment of the Interamerican Court of Human Rights in the Hacienda Brasil Verde case in which the IACtHR established that the victims shared characteristics of “specific victimization” (e.g. being poor, illiterate, from the poorest and least developed regions in the country, from black and minority ethnic communities). These factors made them more prone to be recruited into slavery by means of false promises and deceit. The court determined that the state knew about this situation of structural economic discrimination, contravening article 1.1 American Convention which provides that

“economic status” is an expressly prohibited ground of discrimination. The IACtHR ruled that Brazil did not adopt appropriate measures to address the victims’ situation, thereby perpetuating historical and structural economic discrimination.

We would also like to bring to your attention to the report by the Special Rapporteur on trafficking in persons, especially women and children to the Human Rights Council in 2019 A/HRC/41/46 on Innovative and transformative models of social inclusion of survivors of trafficking in persons into societies. We would like to highlight recommendations made by the Special Rapporteur to States on areas such as survivors’ empowerment measures (para. 68). Furthermore, we would also like to draw your attention to the Report of the Special Rapporteur on trafficking in persons, especially women and children to the General Assembly in 2015 on due diligence.

Regarding in general the situation of domestic workers, we wish to recall Domestic Workers Convention, 2011 (No. 189) ratified by your Excellency’s Government on 31 January 2018. In this context we would like to recall the Direct Request by the ILO Committee of Experts on the Application of Conventions and Recommendations - adopted 2023, published 112nd ILC session (2024), raising concerns about different issues, in particular article 3(2)(b). Elimination of all forms of forced and compulsory labour, articles 3(2)(c) and 4(1). Effective abolition of child labour and article 3(2)(d). Elimination of discrimination. On this last point we wish to highlight the CEACR note recalling “The CUT also expresses the view that, while progress has been made in many aspects of domestic work, the legislative framework continues to deny domestic workers the enjoyment of the full range of labour rights enjoyed by other workers more generally”, as well as “the Committee recalls its 2022 comments under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), regarding employment discrimination against persons of African descent, in which it noted that, according to the PNAD, carried out by the IBGE, from 2012 to 2018, the average income of the black population was equivalent to only 60 per cent of that received by the white population. Moreover, the Committee noted that persons of African descent face discrimination in their access to education and the formal labour market, among others”. Finally we recall ILO Supervisory body direct request to Brazil “to indicate the measures taken or envisaged to address, prevent and redress discrimination against domestic workers on the basis of sex and race, and to promote equality of opportunity and treatment for this category of workers, which is vulnerable to decent work deficits and exclusion in access to education and employment as well as in and terms and conditions of employment.”