

**Mandates of 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**

Ref.: AL BRA 3/2026

(Please use this reference in your reply)

4 May 2026

Excellency,

We have the honour to address you in our capacities as Working Group on discrimination against women and girls; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the right to privacy, pursuant to Human Rights Council resolutions 59/14, 60/10, 53/12 and 55/3.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of sexual violence, discriminatory judicial proceedings, and revictimisation of women in the context of the administration of justice, as illustrated by the case of Ms. Mariana Ferrer. The information received further raises concerns regarding broader structural patterns affecting access to justice for survivors of sexual and gender-based violence in Brazil.**

According to the information received:

On 15 December 2018, Ms. Mariana Ferrer was allegedly drugged and sexually assaulted by a businessman, in a private area of Café de la Musique, a beach club in Florianópolis, in the State of Santa Catarina. Ms. Ferrer worked as a model and social influencer at the time of the events. Witnesses reportedly observed Ms. Ferrer in a visibly disoriented state at the time of the incident, indicating that she may not have been able to provide valid consent.

The incident was reported to the police on 16 December 2018. Ms. Ferrer reportedly recounted the assault immediately after it occurred in the presence of three male officials. The urine sample collection was reportedly performed at the Forensic Medical Institute in front of male police officers. Subsequently, there was a new collection at the hospital in front of male witnesses. Ms. Ferrer was required to wait for a male forensic medical expert to arrive and her request to be accompanied by her mother or another woman during the medical examination was denied.

Forensic examinations confirmed sexual intercourse and identified the alleged perpetrator's semen on Ms. Ferrer's clothing. Additional evidentiary elements

His Excellency  
Mr. Mauro Luiz Iecker Vieira  
Minister for Foreign Affairs

reportedly included witness testimony concerning her condition at the time of the assault.

In September 2020, the Criminal Court of Florianópolis (3<sup>a</sup> Vara Criminal de Florianópolis) acquitted the alleged perpetrator, finding that the evidence was insufficient to establish lack of consent beyond reasonable doubt. Subsequent judicial appeals challenging the acquittal were unsuccessful.

The case gained national attention following the leak of a video recording of the court hearing. During this hearing, the defence attorney is reported to have subjected Ms. Ferrer to questioning and statements invoking her personal life, clothing, social media activity and sexualised imagery, including the display of allegedly manipulated images and intimate medical photographs taken during her forensic examination. Neither the presiding judge nor the prosecutor intervened to prevent or stop this conduct.

The judicial proceedings reportedly caused her severe psychological harm, compounding the trauma of the alleged sexual assault. She required psychological treatment and was compelled to pursue her university studies remotely due to the impact on her mental health.

Following the trial, Ms. Ferrer was subjected to sustained online harassment and defamation, including through a documentary released in 2022 by a privately owned media outlet, which allegedly portrayed her in a misleading manner.

Ms. Ferrer sought disciplinary action against the first-instance judge for alleged omissions in ensuring her protection and dignity during the hearing. This request was dismissed by the Santa Catarina Court of Justice, and the dismissal was upheld by the National Council of Justice in 2024. In 2025, the Supreme Federal Court of Brazil reportedly ordered the National Council of Justice to reverse its decision and to open a disciplinary investigation into the judge for alleged failures to safeguard Ms. Ferrer's rights during the proceedings.

The criminal case itself remains under consideration before the Supreme Federal Court, which must determine whether the appeal raises issues of general repercussion, a prerequisite for the Court to examine constitutional matters with broader societal relevance. If accepted, the appeal could lead to the annulment of the original trial and the possibility of a new proceeding.

To date, the alleged perpetrator has not been held criminally accountable, and Ms. Ferrer has not obtained reparations for the alleged sexual violence nor for the discriminatory and degrading treatment and psychological violence she experienced during the criminal proceedings.

This case contributed to the adoption of Law No. 14.245/2021, commonly referred to as the Lei Mariana Ferrer. The legislative proposal was introduced in November 2020 and adopted in November 2021. Parliamentary debates reportedly recognised that the treatment of Ms. Ferrer during the proceedings constituted psychological violence and that such practices risk discouraging survivors of sexual violence from reporting crimes. The law seeks to ensure

dignified treatment of victims and witnesses, guaranteeing their physical and psychological integrity, prohibiting degrading, humiliating, intimidating or revictimising conduct or treatment during hearings, and establishing procedural safeguards to create a safe and impartial environment for testimony.

The same year, the National Council of Justice issued a protocol on judging with a gender perspective.

Despite these developments, reports indicate that the current legal framework in Brazil does not adopt an affirmative consent to sex standard, placing a disproportionate burden on survivors to prove non-consent. Furthermore, training of justice sector professionals on gender perspectives, including intersectional discrimination based on race, sexual orientation and gender identity, remains limited.

Reports further indicate that survivors of drug-facilitated sexual assault, particularly in nightlife settings, may refrain from reporting such crimes due to fear of reprisals and lack of confidence in investigative and judicial responses.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern at reports that Ms. Ferrer was subjected to gender-based discriminatory treatment at multiple stages of the criminal justice process, including during police reporting, forensic examination and judicial proceedings.

We are further concerned that the handling of evidentiary assessment, the gender-stereotyped and victim-blaming questioning during the hearing, the public exposure of intimate medical images, and the absence of judicial intervention may amount to institutional violence and secondary victimisation. Such conduct appears incompatible with the obligation of State authorities to act with due diligence, impartiality and respect for the dignity of victims of sexual and gender-based violence. The attitude displayed during the proceedings may have exacerbated the reported trauma suffered by Ms. Ferrer and undermined her dignity, right to privacy, equality and equal protection under the law, including freedom from discrimination, as well as her right to the highest attainable standard of physical and mental health. It may also have compromised her right to a fair and impartial hearing by allowing degrading and irrelevant attacks on her character to replace a rights-based assessment of the facts. In line with international human rights jurisprudence, such practices may reflect and perpetuate discriminatory stereotypes concerning women's sexuality and credibility, particularly in cases of sexual violence, and risk deterring other survivors from reporting abuse or seeking judicial protection, thereby reinforcing patterns of impunity.

Concern is also expressed regarding the apparent lack of effective remedies and accountability in this case, notwithstanding the reported existence of forensic and testimonial evidence, which may reinforce structural barriers to access to justice for women and girls. In particular, the apparent absence of an affirmative and consent-based definition of sexual offences, coupled with evidentiary rules and practices that would appear to place a disproportionate burden on survivors to prove non-consent, may be inconsistent with States' obligations to ensure effective protection against sexual violence and to avoid revictimisation in judicial proceedings. International standards require States to adopt comprehensive legislation, procedures

and protocols that ensure investigations and trials are trauma-informed, gender-sensitive and centered on the rights and safety of victims, including safeguards against humiliating or intrusive questioning and the misuse or public disclosure of intimate evidence. These standards further require systematic and mandatory training for judges, prosecutors, law enforcement officials and forensic personnel on gender perspectives and intersectional discrimination, as well as accessible accountability and reparations mechanisms when violations occur. The reported gaps in implementation, despite recent legislative and policy reforms, suggest the need for strengthened oversight, effective remedies and structural reforms to ensure that legal protections are not merely formal but translate into meaningful access to justice for survivors of sexual and gender-based violence.

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, including the status of the disciplinary investigations of the first trial judge by the National Council of Justice and criminal proceedings currently under consideration by the Supreme Federal Court.
2. Please indicate whether Ms. Ferrer has had access to effective remedies and reparations for the alleged violations, including compensation, psychological support and redress for institutional treatment and how such remedies and reparations are adequate, as well as guarantees of non-repetition in possible similar cases in the future.
3. Please indicate what measures have been taken to ensure that judges, prosecutors, defence lawyers and law enforcement officials systematically apply a gender perspective in cases of sexual and gender-based violence, including the effective implementation of Law No. 14.245/2021 and the National Council of Justice protocol on judging with a gender perspective.
4. Please clarify what specific safeguards have been adopted to prevent revictimisation of survivors of sexual violence during criminal proceedings, including safeguards to protect dignity, their right to privacy and psychological integrity during reporting, investigation and trial.
5. Please outline steps taken to address broader structural barriers to accountability in cases of sexual and gender-based violence, including compulsory training of justice sector professionals, monitoring mechanisms for gender bias in judicial proceedings and review of evidentiary standards related to consent.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all measures be taken to address 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

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

Claudia Flores  
Chair-Rapporteur of the Working Group on discrimination against women and girls

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Ana Brian Nougrères  
Special Rapporteur on the right to privacy

## **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 Universal Declaration of Human Rights (UDHR), article 1 of which affirms the equal dignity and rights of all human beings, and article 7(1), which provides that all are equal before the law and are entitled, without discrimination, to equal protection of the law. These principles of equality and non-discrimination are among the core elements of international law and international human rights law, as reaffirmed in article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Brazil on 24 January 1992, as well article 2 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), ratified by Brazil on 1 February 1984.

Article 3 of the ICCPR provides that states parties shall undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant; while article 26 states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 14(1) of the ICCPR provides that all persons shall be equal before the courts and tribunals. Moreover, article 2(3) calls on States to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity and to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.

The CEDAW obligates States to refrain from discrimination against women and to ensure that public authorities and institutions act accordingly. Article 15 provides that States parties shall accord to women equality with men before the law and shall treat women equally in "all stages of procedure in courts and tribunals."

In general recommendation No. 33, the CEDAW Committee examines the obligations of States parties to ensure that women have access to justice. These obligations encompass the protection of women's rights against all forms of discrimination with a view to empowering them as individuals and as rights holders. In practice, the Committee has observed a number of obstacles and restrictions that impede women from realizing their right to access to justice on a basis of equality, including a lack of effective jurisdictional protection offered by States parties in relation to all dimensions of access to justice. These obstacles occur in a structural context of discrimination and inequality owing to factors such as gender stereotyping, discriminatory laws, intersecting or compounded discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to

all women. All these obstacles constitute persistent violations of women's human rights ([CEDAW/C/GC/33](#), para. 3). Moreover, the CEDAW Committee recommends that States implement mechanisms to ensure that evidentiary rules, investigations and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice ([CEDAW/C/GC/33](#), para. 18 (e)).

In *Vertido vs. the Philippines*, the CEDAW Committee stressed that stereotyping affects women's right to a fair and just trial and that the judiciary must take caution not to create inflexible standards of what women or girls should be or what they should have done when confronted with a situation of rape based merely on preconceived notions of what defines a rape victim or a victim of gender-based violence, in general ([CEDAW/C/46/D/18/2008](#), para. 8.4). Moreover, in *A.F. v. Italy*, the CEDAW Committee highlighted that judicial reasoning based on gender stereotypes when evaluating evidence violates women's rights. Moreover, where consent is raised as a defence, the burden of proof is placed on the accused to substantiate a well-founded belief that affirmative consent was given, rather than on the victim to show that she communicated an unequivocal lack of consent ([CEDAW/C/82/D/148/2019](#), para. 9(iii)b). In another case, *Jallow v. Bulgaria*, the CEDAW Committee determined that state authorities failed to properly investigate allegations of sexual abuse within a marriage, influenced by stereotypical views ([CEDAW/C/52/D/32/2011](#)).

In addition, the Working Group on discrimination against women and girls has indicated that the persistence of discriminatory gender norms, including in judicial institutions, continues to obstruct women's access to justice and substantive equality ([A/HRC/56/51](#)). Moreover, judicial stereotyping remains a pervasive barrier to women's enjoyment of their human rights, particularly in cases of sexual and reproductive autonomy ([A/HRC/38/46](#)). In this regard, the Working Group also raised its concerns that women and girls are entitled to receive adequate reparations, including restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, for violations of their sexual and reproductive health rights, and States have a core obligation to ensure access to effective and transparent reparations. However, women and girls continue to face a variety of barriers to access to justice from the lack of recognition of the harm caused to them as being a violation of human rights to the absence of procedures and formal mechanisms. The Working Group recommended that States adopt and enforce clear and coherent legal and policy frameworks to guide the provision of services, in accordance with human rights obligations, and simultaneously address social norms and discriminatory stereotypes that obstruct implementation, including by establishing clear channels for reparations and accountability ([A/HRC/47/38](#), para. 39 and 78(a)).

Furthermore, article 17 (1) of the ICCPR and article 12 of the Universal Declaration of Human Rights provide that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. The CEDAW Committee in general recommendation No. 33 stated that when necessary to protect women's privacy, safety, and other human rights, States parties should ensure that, in a manner consistent with due process and fair proceedings, legal proceedings can be held privately in whole or in part, or testimony be given remotely or via communication equipment, in a way that only the concerned parties are able to access their content. It should also be allowed for them to use pseudonyms or to take other measures to protect their identities during all

stages of the judicial process. State parties should guarantee the possibility of taking measures in order to protect the victims' privacy and image by the prohibition of image capturing and broadcasting, in cases where this may violate the dignity, emotional condition and security of girls and women. ([CEDAW/C/GC/33](#), para. 18(f)). The CEDAW Committee also provides for protecting the privacy and safety of women and girls, including through gender-sensitive court procedures and measures, bearing in mind the victim/survivor's, witnesses' and defendant's due process rights ([CEDAW/C/GC/35](#), para. 31(a)(i)).

Furthermore, we would like to draw your Excellency's Government's attention to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by Brazil on 28 September 1989. Article 2(1) requires States to take effective measures to prevent acts of torture, while article 16 extends this obligation to acts of cruel, inhuman or degrading treatment or punishment, including where such acts are committed by, or with the consent or acquiescence of, public officials. These provisions are relevant in situations where victims of sexual violence are subjected to degrading, humiliating or revictimising treatment within the criminal justice process. We also refer to articles 12 and 13 of the Convention, which require prompt and impartial investigation of allegations of torture or ill-treatment and guarantee the right to complain and to be protected from intimidation or further harm. In addition, article 14 provides that victims have a right to redress, including fair and adequate compensation and as full rehabilitation as possible.

In general recommendation No. 35 on gender-based violence against women, the CEDAW Committee clarifies that States parties are responsible for acts or omissions of its organs and agents that constitute gender-based violence against women. This includes the acts or omissions of officials in its executive, legislative and judicial branches. Furthermore, States are responsible for investigating, prosecuting and applying appropriate legal or disciplinary sanctions, as well as providing reparation, in all cases of gender-based violence against women, including those constituting international crimes, and in cases of failure, negligence or omission on the part of public authorities ([CEDAW/C/GC/35](#), paras. 22 and 23).

The CEDAW Committee also recommends that sexual assault, including rape, should be characterized as a crime against the right to personal security and physical, sexual and psychological integrity and time limitations, where they exist, should prioritize the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to the competent services or authorities. It also recommended to provide effective reparations to victims/survivors of gender-based violence against women, which 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 previous recommendations ([CEDAW/C/GC/35](#), paras. 29(e) and 33(a)).

Furthermore, the CEDAW Committee urges all States parties to take effective measures to protect women against secondary victimization in their interactions with law enforcement and judicial authorities, and to consider establishing specialized gender units within law enforcement and prosecution systems ([CEDAW/C/GC/33](#), para. 51(c)). As articulated in United Nations General Assembly [resolution 40/34](#),

victims ought to be “treated with compassion and respect for their dignity.” For that reason, the CEDAW Committee has repeatedly stressed the importance of enacting gender-sensitive policies to avoid the possible revictimization of women interacting with the justice system ([CEDAW/C/GC/30](#), para. 81(h); [CEDAW/C/GC/35](#), para. 30(e)(iii)). The Committee has also called upon States to dismantle the commonly held victim-blaming beliefs that make women responsible for their own safety and for the violence they suffer ([CEDAW/C/GC/35](#), para. 30(b)(ii))

Moreover, we would like to bring to Your Excellency’s attention article 4(g) of the United Nations Declaration on the Elimination of Violence against Women which notes the responsibility of States to work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

The Special Rapporteur on violence against women, in her report on rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention, reminds States of their primary responsibility to effectively and with due diligence prevent, criminalize and prosecute rape in accordance with international legal standards which are applicable both in peacetime and during conflict. She recommended States to incorporate international human rights standards on rape into their national laws on the criminalization and prosecution of rape. In particular, she noted that the definition of rape should be comprehensive, and include lack of consent at its centre; prosecution should be pursued *ex officio*; and statutes of limitation should be abolished for rape in times of peace or conflict, or, at the very least, child victims should be able to report rape after reaching adulthood. Moreover, she recommended States to provide adequate services and support to victims of rape, including rape crisis centres, protection orders and interim relief measures in the context of both peace and conflict, including reparations to victims, in accordance with international human rights standards and reports ([A/HRC/47/26](#), paras. 19, 112, 113 and 115).