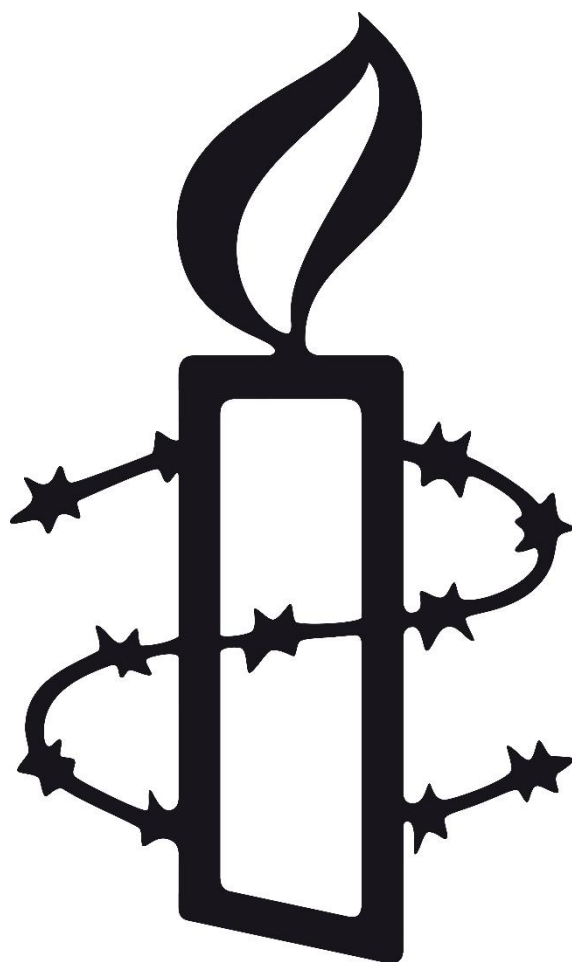


# BRAZIL

SUBMISSION TO THE UN COMMITTEE ON THE ELIMINATION  
OF DISCRIMINATION AGAINST WOMEN  
88<sup>TH</sup> SESSION, 13 - 31 MAY 2024



AMNESTY  
INTERNATIONAL



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Amnesty International submits the following information to the UN Committee on the Elimination of Discrimination against Women ahead of the 88<sup>th</sup> session and the review of Brazil's 8-9<sup>th</sup> combined periodic report under the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). This submission raises concerns regarding gender-based violence against Black women and other women of African descent, the impact of the "war on drugs" on black women's lives and motherhood, and their sexual and reproductive rights. It should not be considered an exhaustive account of the organizations' concerns.

# 1. INTRODUCTION

Amnesty International submits the following information to the UN Committee on the Elimination of Discrimination against Women ahead of the 88<sup>th</sup> session and the review of Brazil's 8-9<sup>th</sup> combined periodic report<sup>1</sup> under the Convention on the Elimination of All Forms of Discrimination against Women (the Convention). This submission raises concerns regarding gender-based violence against Black women, the impact of the “war on drugs” on black women’s lives and motherhood, and their sexual and reproductive rights. It should not be considered an exhaustive account of the organizations’ concerns.

## 2. GENDER-BASED VIOLENCE AGAINST BLACK WOMEN

Black women in Brazil face compounded discrimination based on racial, gender, social, economic, and political grounds, resulting in exclusion and oppression. They are not only at disproportionate risk of gender-based violence and its consequences but subjected to systemic racism that results in intersectional forms of discrimination and undermines their access to protection and safety.<sup>2</sup>

Despite some legal advances, authorities have failed to tackle the cumulative and intersecting effects of systemic racism and gender discrimination in Brazil. High rates of femicide remain constant<sup>3</sup>- in 2023, there were 1463 cases.<sup>4</sup> According to Brazilian Public Security Forum, over 60% of the victims of femicides between 2019 to 2022<sup>5</sup> were Black women.<sup>6</sup> Also, in 2022, there were 74,930 cases of rape and more than a half of the victims were children under the age of 14.<sup>7</sup> The national hotline for violence against women complaints known as “Dial 180” reached 102 reports per hour in 2023. In the same year, 529,620 women<sup>8</sup> requested precautionary measures, an instrument of Maria da Penha Law - Law 11.340/2006 - that aims to protect the physical, psychological, sexual, property or moral integrity of women in situations of violence or their dependents.

From 2015 to 2022, 75% of victims of physical and sexual violence in Brazil were women. Black women are more than twice as likely than white women to suffer any kind of violence.<sup>9</sup>

One year after Brazil passed a law (14.541/2023) enforcing that all Women's police stations<sup>10</sup> should work 24 hours daily, only 12% of the Women's police stations (of 492) did so.<sup>11</sup> In 2023, the state of

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<sup>1</sup> Combined eighth and ninth periodic reports submitted by Brazil under article 18 of the Convention, due in 2021, UN.Doc CEDAW/C/BRA/8-9, 17 March 2022,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2FC%2FBRA%2F8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2FC%2FBRA%2F8-9&Lang=en)

<sup>2</sup> Brazilian Public Security Forum (2023), *Violence against Women 2023*, available at: [visiveleinvisivel-2023-relatorio.pdf](https://visiveleinvisivel-2023-relatorio.pdf) ([forumseguranca.org.br](https://forumseguranca.org.br))

<sup>3</sup> Bueno, Samira et al. Femicídios em 2023. São Paulo: Fórum Brasileiro de Segurança Pública, 2024. Available at: <https://publicacoes.forumseguranca.org.br/items/77f6dcce-06b7-49c1-b227-fd625d979c85>

<sup>4</sup> G1. (2023) Brasil registra 1463 casos de feminicídio, um aumento de 1,6% em relação a 2022. Available at: <https://g1.globo.com/politica/noticia/2024/03/07/brasil-femicidios-em-2023.ghtml> from Bueno, Samira et al. Femicídios em 2023. São Paulo: Fórum Brasileiro de Segurança Pública, 2024 Available at: <https://publicacoes.forumseguranca.org.br/items/77f6dcce-06b7-49c1-b227-fd625d979c85>

<sup>5</sup> G1 (2023), Available at: <https://g1.globo.com/bom-dia-brasil/noticia/2023/03/28/mulheres-negras-representam-62percent-das-vitimas-de-femicidio-no-brasil-aponta-anistia-internacional.ghtml>

<sup>6</sup> Brazilian Public Security Forum (2021), *Violence against Women 2021*, available at <https://forumseguranca.org.br/wp-content/uploads/2022/03/violencia-contra-mulher-2021-v5.pdf>

<sup>7</sup> Fórum Brasileiro de Segurança Pública, Public Security Yearbook (2023). Available at: <https://forumseguranca.org.br/wp-content/uploads/2023/07/anoario-2023.pdf>

<sup>8</sup> Conselho Nacional de Justiça. Mapa Nacional da Violência de Gênero, available at: [Mapa Nacional da violência de gênero \(senado.leg.br\)](https://mapa-nacional-da-violencia-de-genero.senado.leg.br)

<sup>9</sup> Folha de São Paulo (2023), *Mulheres negras tem maior risco de sofrer violência física e sexual no Brasil*, available at: <https://www1.folha.uol.com.br/cotidiano/2023/06/negras-tem-maior-risco-de-sofrer-violencia-fisica-e-sexual-no-brasil.shtml>

<sup>10</sup> Folha de São Paulo (2023), available at: <https://g1.globo.com/politica/noticia/2023/04/08/apenas-11percent-das-delegacias-da-mulher-no-pais-funcionam-24-h.ghtml>

<sup>11</sup> Veja (2023) *Apenas 10 das delegacias da mulher do país funcionam 24h*, available at: <https://veja.abril.com.br/coluna/maquiavel/apenas-10-das-delegacias-da-mulher-do-pais-funcionam-24h-veja-mapas>

São Paulo spent only 3% of the budget devoted to Women's police stations and reached the highest number of rapes and femicides since 2018.<sup>12</sup>

In March 2024, there were only eight Brazilian Women's Houses active in the country, a facility providing a full range of services to assist and support women survivors of violence.<sup>13</sup>

Trans women, especially Black trans women, face a disproportionate impact of gender-based violence<sup>14</sup>. According to Antra (National Association of Trans and Travesties), for the last 15 years, Brazil has continuously been the country that recorded the highest number of killings of trans people, reaching at least 155 (76% were Black) trans people killed in 2023.<sup>15</sup> Only in April 2022,<sup>16</sup> the Superior Court of Justice extended the application of the law for the protection of trans women under Maria da Penha Law.<sup>17</sup>

56% of the population in Brazil consider themselves Black, 0.88% of which being composed of and Quilombola populations, according to the Census 2022.<sup>18</sup> Yanomami, Guarani-Kaiowá, Pataxó and other Indigenous women and girls have been facing human rights violations, including rape and femicide, due to the predatory actions of individuals involved in illegal mining, drug trafficking and illegal occupation of their territory.<sup>19</sup> Indigenous groups have documented situations in which Indigenous women and girls find themselves compelled to exchange sex for food.<sup>20</sup> Quilombola women have also been victims of femicides carried out with excessive brutality, including multiple stabbings, gas cylinder explosions, and torture.<sup>21</sup> The violence faced by women and girls from Indigenous and Quilombola<sup>18</sup> peoples is even more serious due to insufficient availability and lack of access to protection services for victims of domestic violence.<sup>22</sup>

Communities affected by infrastructure projects, such as mining, dams, and wind fields, often report increased rates of sexual and gender-based violence against Indigenous women and girls in the process of installing and operating such projects. The Mariana disaster has led to an increase of 171.6%, in 2019, of domestic violence and sexual violence cases after the dam burst in 2015.<sup>23</sup>

Moreover, Black population has been suffering environmental racism as climate change disproportionately affects them. In Recife, 68% of the population living in areas of risk are Black, and 27% of households are headed by Black women living on a minimum wage.<sup>24</sup> In 2022, heavy rains in the periphery of Recife killed six people, all of them were Black.<sup>25</sup> When a territory that is already

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<sup>12</sup> Folha de São Paulo (2023), available at: <https://www1.folha.uol.com.br/cotidiano/2024/02/em-meio-a-recorde-de-feminicidios-tarcisio-gasta-3-do-previsto-com-delegacias-da-mulher-24h.shtml>

<sup>13</sup> Veja (2024), available at: <https://veja.abril.com.br/coluna/balanco-social/violencia-contra-a-mulher-e-um-dos-principais-desafios-neste-8-de-marco>

<sup>14</sup> Gênero e Número (2023). Trans women and racial violence in Brazil, available at: <https://www.generonumero.media/artigos/transfobia-extermio-populacao-negra/>

<sup>15</sup> National Association of Travestis and Transexuals (Antra) (2024), "Dossiê assassinatos e violências contra travestis e transexuais brasileiras em 2023", January 2024, available at <https://antrabrasil.files.wordpress.com/2023/01/dossieantra2023.pdf>

<sup>16</sup> Supremo Tribunal do Justiça (2022), "Lei Maria da Penha é aplicável à violência contra mulher trans", 6 April 2022, available at <https://www.stj.jus.br/sites/porta/p/Paginas/Comunicacao/Noticias/05042022-Lei-Maria-da-Penha-e-aplicavel-a-violencia-contra-mulher-trans--decide-Sexta-Turma.aspx>

<sup>17</sup> Instituto Brasileiro de Direito de Família (IBDFAM) (2022), "Lei Maria da Penha deve ser aplicada em caso de violência doméstica contra mulher trans, decide STJ", 6 April 2022, available at <https://ibdfam.org.br/noticias/9535/Lei+Maria+da+Penha+deve+ser+aplicada+em+caso+de+viol%C3%Aancia+do+m%C3%A9stica+contra+mulher+trans%2C+decide+STJ>

<sup>18</sup> Instituto Brasileiro de Geografia e Estatística (2022). Census 2022, available at: [https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/38719-censo-2022-pela-primeira-vez-desde-1991-a-maior-parte-da-populacao-do-brasil-se-declara-parda#:~:text=Desde%201991%2C%20esse%20contingente%20n%C3%A3o,amarelas%20\(0%2C4%25\).](https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/38719-censo-2022-pela-primeira-vez-desde-1991-a-maior-parte-da-populacao-do-brasil-se-declara-parda#:~:text=Desde%201991%2C%20esse%20contingente%20n%C3%A3o,amarelas%20(0%2C4%25).)

<sup>19</sup> Amnesty International, "Urgent action: Guarani Kaiowa risk imminent forced eviction", 24 May 2016, available at <https://www.amnesty.org/en/wp-content/uploads/2021/05/AMR1941032016ENGLISH.pdf>

<sup>20</sup> Inesc (2022), Sexo em troca de comida: violência sexual contra crianças indígenas, available at: <https://inesc.org.br/sexo-em-troca-de-comida-violencia-contra-criancas-indigenas/>

<sup>21</sup> Hutukara Associação Yanomami (2022), *Yanomamy under attack*, April 2022, available at [https://acervo.socioambiental.org/sites/default/files/documents/prov0491\\_0.pdf](https://acervo.socioambiental.org/sites/default/files/documents/prov0491_0.pdf)

<sup>22</sup> Conaq - Terra de Direitos (2017), *Racism and violence against Quilombos*, 2017, available at [https://terradedireitos.org.br/uploads/arquivos/\(final\)-Racismo-e-Violencia-Quilombola\\_CONAQ\\_Terra-de-Direitos\\_FN\\_WEB.pdf](https://terradedireitos.org.br/uploads/arquivos/(final)-Racismo-e-Violencia-Quilombola_CONAQ_Terra-de-Direitos_FN_WEB.pdf)

<sup>23</sup> Fundação Getulio Vargas (2019). Health in the post-disaster. Available at: <https://projektoriodoce.fgv.br/saude>

<sup>24</sup> *Ibidem*.

<sup>25</sup> Folha de Pernambuco. Maior tragédia do século em Pernambuco, 2022, available at: <https://www.folhape.com.br/noticias/major-tragedia-do-seculo-em-pernambuco-mortes-pelas-chuvas-de-2022/228963/>



Black women face a daily struggle to ensure the survival of their families in economic terms and in developing protection strategies against police abuses. According to the National Penitentiary Department, more than 45.000 women were arrested in 2021- over 12.000 of them are mothers of children under the age of 12,<sup>39</sup> 3 out of 5 were arrested for drug-related offences.<sup>40</sup> Civil society groups have reported that a substantial number of pregnant women lack access to house arrests or other alternatives to prison, as they are entitled to by Law No. 13,769/2018.<sup>41</sup> Long-term closures of schools, businesses, and health clinics during police operations have had a huge impact on women, reinforcing the burden of care work on them and historic patterns of social exclusion.<sup>42 43</sup>

Women safeguard the survival of their communities and are at the frontline of the struggle for human rights. Mothers and other female relatives of victims of extrajudicial executions and other human rights violations committed by the police have also carried the burden of seeking justice and reparations for these violations, experiencing the deterioration of their physical and mental health.<sup>44</sup> Women whose relatives have been killed by the police have also been stigmatized, harassed, or threatened for fighting to preserve the memory of their loved ones, often tarnished by official narratives which would deem them criminals.<sup>45</sup> Victims and their families have reported numerous obstacles in accessing information about the progress of investigations regarding police violations.<sup>46</sup>

Amnesty International has been following the struggle of Ana Paula Oliveira,<sup>47</sup> the mother of Johnatha Oliveira, who, 10 years after her son was shot in the back by a police officer, is still fighting for justice and for Johnatha's memory - who is unjustly accused of being a "drug dealer" as a justification for his execution.<sup>48</sup> Amnesty International has also been following the case of Ana Maria Cruz, mother of Pedro Henrique Cruz, a Black young activist, who was murdered in 2018.<sup>49</sup> In addition, the cases of the Mothers of Acari,<sup>50</sup> Mothers of May,<sup>51</sup> and Mothers of Curio<sup>52</sup> demonstrate the resilience of some

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<sup>39</sup> See compiled data of pregnant women, women with children, elderly or sick from the National Penitentiary Department (2020). Available [http://www.susepe.rs.gov.br/upload/1588195416\\_SEI\\_MJ11429916Informao\\_final.pdf](http://www.susepe.rs.gov.br/upload/1588195416_SEI_MJ11429916Informao_final.pdf)

<sup>40</sup> Departamento Penitenciário Nacional (2018), Levantamento Nacional de informações penitenciárias INFOPEN Mulheres, 2018, available at [https://conectas.org/wp-content/uploads/2018/05/infopenmulheres\\_arte\\_07-03-18-1.pdf](https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf)

<sup>41</sup> Instituto Terra, Trabalho e Cidadania (2021), Implementação da prisão domiciliar para mulheres no Brasil na luz da lei de acesso a informação, 2021, available at <https://ponte.org/wp-content/uploads/2021/12/Relatorio-LAI.pdf>

<sup>42</sup> Amnesty International, "You killed my son: Homicide by military police in the city of Rio de Janeiro", pp. 78-83, available at <https://www.amnesty.org/en/documents/amr19/2068/2015/en>

<sup>43</sup> Amnesty International, "The Police only come to collect the bodies", 17 April 2008, available at <https://www.amnesty.org/en/documents/amr19/003/2008/en/>

<sup>44</sup> Folha de São Paulo (2019), "Mães que tiveram filhos mortos pela polícia temem que o mesmo ocorra aos que estão vivos", 7 August 2019, available at <https://www1.folha.uol.com.br/cotidiano/2019/08/maes-que-tiveram-filhos-mortos-pela-policia-temem-que-o-mesmo-ocorra-aos-que-estao-vivos.shtml>

<sup>45</sup> Amnesty International, "Picking up the pieces" (previously cited); Amnesty International, "You killed my son" (previously cited), pp. 78-83.

<sup>46</sup> Intercept (2018), "As mães que tiveram seus filhos assassinados pelo Estado decidiram fazer o trabalho da polícia: investigar", 13 May 2018, available at <https://www.intercept.com.br/2018/05/13/maes-com-filhos-assassinados-pelo-estado/>

<sup>47</sup> Amnesty International, "You killed my son" (previously cited), pp. 78-83.

<sup>48</sup> Amnesty International, 10 years fighting for justice, available at: <https://homologacao.anistia.org.br/informe/10-anos-de-luta-por-justica-para-johnatha/>

<sup>49</sup> Amnesty International, Write for Rights: A mother fight for justice, available at: <https://www.amnesty.org/en/documents/pol32/7062/2023/en/>

<sup>50</sup> On 26 July 1990, eight children and three young people from the favela of Acari in Rio de Janeiro were abducted by a group of men who identified themselves as police officers. The 11 were never seen again. Amnesty International (2015), Brazil: Denial of justice for Rio disappearances shows justice system 'unfit for purpose', available at: <https://www.amnesty.org/en/latest/news/2015/07/brazil-denial-of-justice-for-rio-disappearances-shows-justice-system-unfit-for-purpose/>.

<sup>51</sup> On 12 May 2006, a criminal faction sparked a series of coordinated rebellions and outside the prisons, encouraged attacks on public agents. Between 12 and 21 May, members of death squads led a 'wave of response', marked by "intense violence, summary executions, massacres, hundreds of murders and a number of disappearances," according to the report. The reprisal, which mainly affected the periphery and many people who did not have any links to the faction, came to be known as "Crimes of May". It left more than 500 dead and 110 injured. There were 8.6 civilian deaths to every public agent. Conectas Direitos Humanos (2023). Mother of May, available at: <https://www.conectas.org/en/noticias/crimes-of-may-impunity-marks-15-years-since-one-of-the-biggest-massacres-in-sao-paulo/>

<sup>52</sup> The massacre of Curio, in the city of Fortaleza, Ceará, was a series of murders that took place in the early hours of November 11-12, 2015. In total, eleven people were murdered and seven injured. All the murdered victims were male, and nine of the eleven people killed were aged between 16 and 19. The Ceará Public Prosecutor's Office (MPCE) indicated that the military police officers accused of involvement in the Messejana massacre in November 2015 acted out of revenge and coldly murdered the 11 victims. Amnesty International (2023) Trial of Curio, available at: <https://anistia.org.br/informe/chacina-do-curio-juri-termina-com-6-pms-condenados-e-14-absolvidos-anistia-internacional-brasil-esta-ao-lado-das-maes-e-familiares-por-justica-verdade-e-reparacao/>

groups of women, mostly black, who have lost their children to police violence and who are constantly threatened.

## 4. SEXUAL AND REPRODUCTIVE RIGHTS

Black women experience higher rates of maternal mortality and morbidity,<sup>53</sup> while the latest official estimation showed that Black women comprise 50% of the overall female population.<sup>54</sup> Data from the Ministry of Health for 2022 showed that while the number of maternal deaths is 46.56 for white women, it is more than double for black women: 100.38 deaths for every 100,000 live births<sup>55</sup>. Unequal access to prenatal care and medical care also puts Black women at greater risk.

Abortion is still a crime in Brazil except in cases when pregnancy poses a risk to a woman's life; when it is a result of rape; and if the fetus is anencephalic.<sup>56</sup> Even in these cases, Brazil has seen a crisis in the provision of lawful abortion services, and many services are interrupted since the pandemic<sup>57 58</sup>

Between 2012 and 2022, 483 women died from unsafe abortion in public hospitals in Brazil.<sup>59</sup> *Gênero e Número* analysed more than 1.7 million hospitalizations as pregnancies that ended in abortion. More than half of the hospitalizations were recorded as miscarriages and, proportionally, the highest number of deaths occurred in cases of "failed abortion attempt". In these cases, for every 28 hospitalizations, one patient dies, and the risk of death is 140 times higher than in all the other categories combined. Almost half of those who died after hospitalizations registered in this category are Black women, while only one in 10 is white.<sup>60</sup> Moreover, according to the National Abortion Research, Black women are 46% more likely to have an abortion at all ages than white women.<sup>61</sup>

## 5. RECOMMENDATIONS

Amnesty International recommends that the Brazilian government:

- Implement consistent policy and incorporate actions to combat racism and transphobia into the plans, programmes, and policies regarding violence against women, paying particular attention to Black trans and cis women.
- Ensure that protection mechanisms, legal aid, and support services for survivors of gender-based violence incorporate an intersectional and race-conscious approach and are sufficiently

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<sup>53</sup> Criola (2021), "Criola alerta sobre o aumento da mortalidade materna em todo o país, agravada pela Covid-19" 25 May 2021, available at <https://criola.org.br/no-mes-de-luta-pela-saude-da-mulher-criola-alerta-sobre-o-aumento-da-mortalidade-materna-em-todo-o-pais-agravada-pela-covid-19/>

<sup>54</sup> Institute for Applied Economic Research (2013), *Black Women Dossier*, available at [https://www.ipea.gov.br/igualdaderacial/index.php?option=com\\_content&view=article&id=735](https://www.ipea.gov.br/igualdaderacial/index.php?option=com_content&view=article&id=735)

<sup>55</sup> Ministry of Health, November 2023, Available at: <https://www.gov.br/saude/pt-br/assuntos/noticias/2023/novembro/morte-de-maes-negras-e-duas-vezes-maior-que-de-brancas-aponta-pesquisa>

<sup>56</sup> Código Penal (1940), Decreto-Lei No 2.848, Parte Especial, Título I, Capítulo I, Artigos 124- 128.

<sup>57</sup> Folha de São Paulo (2021), "Pandemia aprofunda a crise em serviços de aborto legal e profissionais buscam saídas", 6 March 2021, available at <https://www1.folha.uol.com.br/cotidiano/2021/03/pandemia-aprofunda-crise-em-servicos-de-aborto-legal-e-profissionais-buscam-saidas.shtml>

<sup>58</sup> Marie Claire. (2017) Prefeitura de São Paulo fecha serviço de aborto legal em hospital de referência há 30 anos. Available at: <https://revistamarieclaire.globo.com/direitos-reprodutivos/noticia/2023/12/prefeitura-de-sp-fecha-servico-de-aborto-legal-em-hospital-referencia-ha-30-anos-no-procedimento.ghtml>

<sup>59</sup> Brasil de Fato (2022). Brasil tem uma morte a cada 28 internações por falha na tentativa de aborto, available at: <https://www.brasildefato.com.br/2023/09/23/brasil-tem-uma-morte-a-cada-28-internacoes-por-falha-na-tentativa-de-aborto#:~:text=Entre%202012%20e%202022%2C%20483,gravidez%20que%20termina%20em%20aborto.>

<sup>60</sup> *Gênero e Número* (2023). Brazil has one death for every 28 hospitalizations due to failed abortion attempts Available at: <https://www.generonumero.media/reportagens/brasil-mortes-tentativa-aborto/>

<sup>61</sup> Diniz, D., Medeiros, M., Souza, P. H., & Goés, E. (2023). Aborto e raça no Brasil, Pesquisa Nacional de Aborto 2016 a 2021. *Ciência & Saúde Coletiva*, 28, 3085-3092.

resourced and accessible to Black women and girls, including trans women, without discrimination.

- Ensure universal access to comprehensive sexual and reproductive health services, without discrimination, including availability and accessibility of existing lawful abortion services, and tackling institutional racism creating barriers to access for Black women and girls.
- Decriminalize abortion and stop punishing women, girls and all pregnant people, healthcare providers and others for obtaining, assisting with, or providing abortion services.
- Establish policies for victims of human rights violations and their families that guarantee timely and effective support regardless of judicial decisions, including mental health care, protection and support services and legal representation.
- Take urgent steps to revise anti-drug laws, particularly Law No 11,343/2006, and establish alternatives to the criminalization of minor non-violent drug-related offences that do not cause harm to others.
- Identify, create, implement, and monitor public security policies, plans, and projects to meet the specific needs of Black trans and cis women, especially those living in marginalized communities so that they can live their lives and access public services without fear of violence or discrimination.





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