



Contributions regarding the National System to Prevent and Combating Torture in Brazil

Justiça Global – Brazilian organization dedicated to the protection and promotion of human rights and the strengthening of civil society and democracy, aimed at building a society that ensures the full realization of social, political, and civil rights, free from racism, sexism, and all forms of discrimination.

NUDISS – Center for Extension and Research on Human Rights, Childhood, Youth, and Social Work (NUDISS) is a constituent unit of the School of Social Work at the Fluminense Federal University (UFF).

Both organizations are members of the CNPCT (2024-2026).

This document is endorsed by 34 additional institutions and movements.

Introduction

The practice of torture in Brazil is not an isolated occurrence but rather a structural and persistent phenomenon deeply embedded in the country's social fabric. This legacy of violence disproportionately and selectively affects the Afro-descendant population and residents of areas characterized by extreme vulnerability. In 2007, the Brazilian State ratified the Optional Protocol to the Convention against Torture (OPCAT). However, as repeatedly documented, this international commitment has been systematically breached, leading to significant regressions in several federative units. A critical example is the State of Pernambuco, where the State Preventive Mechanism (MEPT) was dismantled three years ago. Furthermore, a grave situation has persisted for several years regarding the failure to reconstitute the National Preventive Mechanism (MNPT), which currently operates with a deficit of five experts due to politically biased institutional constraints, despite the fact that the National Committee for the Prevention and Combating of Torture (CNPCT) has already finalized the public call for the selection of new members.

National Policy Context

The implementation trajectory of this national policy reveals a landscape of significant normative progress, albeit marred by profound regional heterogeneity and a lack of political commitment. Currently, the country has 16 Committees and 09 State Mechanisms in operation. While the formal establishment of Committees has expanded across most federative units in recent decades, their distribution remains unequal, and most of these bodies fail to comply with the core mandates of OPCAT and relevant domestic legislation. While the Southeast and Northeast regions possess more consolidated structures, the Central-West region suffers from a total absence of operational preventive Mechanisms, highlighting a critical protection gap in human rights across a vast portion of the national territory.

Challenges and Vulnerabilities

The effectiveness of the preventive system faces severe obstacles that undermine the institutional independence required by international standards. A primary challenge lies in the administrative subordination of oversight bodies to public security or penitentiary administrations, as well as the participation of these sectors within the Committees. This creates inherent conflicts of interest, limits functional autonomy, and has fostered environments conducive to workplace harassment. Additionally, many bodies suffer from practical inoperability, existing only *de jure* without dedicated budgetary allocations or logistical infrastructure. The security of personnel is also a pressing vulnerability; reports indicating that a significant portion of experts have faced threats in the exercise of their duties underscore the exposure and political risk faced by those monitoring violations in places of detention.

Data Analysis and Findings

Data collected in 2025 exposes the systemic under-resourcing relative to the magnitude of the Brazilian prison population. Only nine states possess operational Mechanisms, most of which

function with a minimum contingent of three experts - a scale manifestly insufficient for conducting thorough and recurrent technical inspections. Notably, the Mechanism in Maranhão operates with only one expert. Furthermore, the composition of Committees - often dominated by public security agencies - hinders the swift replacement and reappointment of experts when necessary. Regarding the profile of the agents, there is a female predominance, with approximately 80% of experts being women and 56% identifying as Black. While this strengthens gender perspectives and racial representation during inspections, the low representation of Indigenous experts points to a gap in addressing ethno-racial specificities. The prevailing academic background is in Law, which, while providing legal rigor, necessitates a greater integration of interdisciplinary expertise for a holistic understanding of the dynamics of institutional violence.

Recommendations

In light of this diagnosis, it is recommended that the Brazilian State prioritize the administrative decoupling of preventive bodies from executive security departments, ensuring full functional autonomy and direct budgetary appropriations. It is imperative that the Federal Government expand financial and technical support for the establishment of Mechanisms in federative units currently lacking coverage, particularly in the Central-West region. Additionally, national protection protocols must be established for members of Committees and Mechanisms, ensuring that monitoring activities are conducted without fear of reprisal, recognizing their status as human rights defenders. Finally, there is an urgent need to align these bodies with the goals of the *Plano Pena Justa* and the guidelines of the Supreme Federal Court, aiming to overcome the unconstitutional state of affairs within the prison system and to guarantee human dignity in all places of deprivation of liberty.

Assinaturas

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Agenda Nacional Pelo Desencarceramento

Associação Coletivo Entre'Elas Defensoras de Direitos Humanos do Amazonas

Centro de Defesa dos Direitos Humanos da Serra (CDDH-Serra)

Centro pela Justiça e o Direito Internacional

Coletivo Antônia Flor - Assessoria Técnica em Direitos Humanos

Coletivo de Familiares de Pessoas Privadas da Liberdade Bahia assinam

Coletivo Vozes de Mães e Familiares do Sistema Socioeducativo e Prisional do Ceará

Comitê Estadual Para Prevenção e Combate à Tortura do RJ (CEPCT/RJ).

Conectas Direitos Humanos

Desencarcera Amazonas

Desencarcera Bahia

Desencarcera Sergipe

Fórum Popular de Segurança Pública do Estado do RJ

Frente Estadual pelo Desencarceramento do Rio Grande do Norte.

Frente Estadual Pelo Desencarceramento de Goiás

FRENTE ESTADUAL PELO DESENCARCERAMENTO CEARÁ

Frente Estadual pelo desencarceramento de Santa Catarina
Frente Estadual Pelo Desencarceramento do Acre
Frente Estadual pelo Desencarceramento do Espírito Santo
Frente Estadual Pelo Desencarceramento do Rio de Janeiro
Frente pelo Desencarceramento do Piauí.
Iniciativa Direito a Memória e Justiça Racial
Instituto de Cultura e Consciência Negra Nelson Mandela
Instituto de Estudos da Religião (ISER)
Instituto Terra Trabalho e Cidadania (ITTC)
Associação de Familiares e Amigos/as de Presos/as e Internos/as da Fundação Casa (AMPARAR)
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Centro dos Direitos Humanos de Sapopemba
Mecanismo Nacional de Prevenção e Combate à Tortura (MNPCT)
Movimento Candelária Nunca Mais (RJ)
Movimento de Mães AMAR
Movimento Mães em Luto da Zona Leste São Paulo
Movimento Nacional de Direitos Humanos.
Pastoral Carcerária Nacional
Rede de comunidades e Movimentos contra a violência
Rede de Mães e Familiares de Vítimas da Violência da Baixada Fluminense (RJ)
Rede Nacional de Mães e Familiares de Vítimas do Terrorismo
Serviço Ecumênico de Militância nas Prisões (SEMPRI)