

## SUGGESTED QUESTIONS TO THE BRAZILIAN STATE

### FOREWORD

Following careful examination of the version of the Third Periodic Report submitted by Brazil on the compliance with the International Covenant on Civil and Political Rights (ICCPR)<sup>1</sup> published in Brazil and submitted to the CCPR,<sup>2</sup> civil society organizations, led by the Movimento Nacional de Direitos Humanos (MNDH Brasil), signatories of this document, by invitation of the United Nations CCPR Human Rights Committee, suggest questions the Brazilian State should answer in order to complement information to validate the aforementioned Report.

### SUGGESTED QUESTIONS

**SUGGESTION No. 1** [regarding article 1 of ICCPR (right to self-determination of peoples)]: § 6 of the Third Periodic Report submitted by Brazil highlights the actions of the National Indian Foundation (FUNAI); however, there have been several complaints from indigenous and indigenist organizations that report the process of dismantling the work of this institution, particularly in recent years. It is suggested that the State party be asked to inform what policies, programs, and actions have been carried out in recent years (from 2005 to 2021), including budget information per year. It is also suggested that the State party report on the progress of compliance with the recommendation contained in § 6 of the CCPR's "Concluding Observations" on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005, which requested that the State party "should accelerate the demarcation of indigenous lands and provide effective civil and criminal remedies for deliberate trespass on those lands". It is also suggested that the State party report on its actions to fight against Covid-19 within indigenous communities.<sup>3</sup>

**SUGGESTION No. 2** [regarding article 1 of ICCPR (right to self-determination of peoples)]: § 7 of the Third Periodic Report submitted by Brazil indicates the National Policy for Land and Environmental Management in Indigenous Lands (PNGATI) and § 8 concerns the National Technical Support and Rural Extension Program (PNATER); however, there have been growing accusations of "illegal leasing" and leniency in the invasion of indigenous lands by loggers, miners, and farmers, and even of authorities favoring these practices. It is suggested to request that the State party inform in detail, referring to each Indigenous Land (IL), the current status of the

<sup>1</sup> Based on the text available at [www.gov.br/mdh/pt-br/navegue-por-temas/atuacao-internacional/relatorios-internacionais-1/pacto-internacional-sobre-direitos-civis-e-politicos](http://www.gov.br/mdh/pt-br/navegue-por-temas/atuacao-internacional/relatorios-internacionais-1/pacto-internacional-sobre-direitos-civis-e-politicos). Visited December 22, 2021.

<sup>2</sup> Also considering the version published by the CCPR (CCPR/C/BRA/3), available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBRA%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBRA%2f3&Lang=en)

<sup>3</sup> See, among others, the article "Indigenous peoples and violations of the human right to health in the context of the Covid-19 pandemic: subsidies for international denunciation", by Luiz Eloy Terena (2021, p. 103-128). Available at [https://dhsaude.org/relatorio/documento\\_subsidio/](https://dhsaude.org/relatorio/documento_subsidio/). Please also visit the APiB Dossier, available at [https://apiboficial.org/files/2021/08/DOSSIE\\_pt\\_v3web.pdf](https://apiboficial.org/files/2021/08/DOSSIE_pt_v3web.pdf). See denunciation to the ICC <https://apiboficial.org/2021/08/09/inedito-apib-denuncia-bolsonaro-em-haia-por-genocidio-indigena/>

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implementation of the aforementioned Policies, with an indication of resources, actions, and results ever since their implementation until 2021, in addition to informing about "leasing" practices in which ILs are developed, the area they covered, the type of production carried out, and the presence of non-indigenous lessees, among other aspects. It is also suggested to request that the State present its policy/plan to guarantee the exercise of self-determination by the indigenous peoples over their lands and life projects differently from that of the surrounding society, and that, in these policies/plans, free, prior, and informed consent is guaranteed in matters that affect them.

**SUGGESTION No. 3** [regarding article 1 of the ICCPR (right to self-determination of peoples)]: § 15 of the Third Periodic Report submitted by Brazil presents data from the National Institute of Colonization and Agrarian Reform (INCRA), mentioning titling processes pending decision, titled communities, total area, and number of contemplated families regarding quilombolas. Paragraphs 16 and 17 discuss the Brazil Quilombola Program. It is suggested to request that the State party use yearly disaggregated data from 2010 to 2021 to report on the number of new processes, how many of these were finalized, the number of quilombola communities titled, the specific size and total area of each one, in addition to the number of individual and collective beneficiaries, in this case, disaggregating information by sex/gender, age, among other aspects. It is also suggested that the State party be requested to inform about the implementation of the Brazil Quilombola Program, with information about the volume of budget resources invested per year, as well as results and impacts on the quilombola communities. Additionally, it is suggested that the State party report on the measures adopted to fight Covid-19 in quilombola communities.

**SUGGESTION No. 4** [regarding article 1 of ICCPR (right to self-determination of peoples)]: §§ 21 to 24 of the Third Periodic Report submitted by Brazil are about measures taken towards Romani People, and effectively offer information on the status of the Romani Statute (Bill No. 248/2015); however, there is no mention of the impact of these measures or even of the current status of such Statute. On § 20 of the "Concluding Observations" of CCPR on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005, there is an expressed concern about the Roma community, and a recommendation that information is provided about it. It is suggested that the State party be asked to report on the general situation of the Romani people in the country, their numbers, economic conditions, and also to report on recorded cases of attacks or discrimination, with contextualization, if they have indeed taken place. It also requests that the State party report on the current status of the "Romani Statute", and in case it has not been made into law, on the reasons why it has not been approved. Moreover, it is also suggested that the State party report on measures and actions taken by the State specifically to address Covid-19 among the Romani people.

**SUGGESTION No. 5** [regarding article 1 of ICCPR (right to self-determination of peoples)]: § 28 of the Third Periodic Report submitted by Brazil states that "the Brazilian Government is consulting with the traditional, indigenous, and quilombola peoples to ensure the participation of representatives in the regulation process of Convention No. 169 of the International Labor Organization (ILO), ratified by Brazil in 2002". It is suggested that the State party be requested to provide additional information regarding the current status of the implementation of ILO Convention 169, the difficulties encountered, and the progress achieved, particularly detailing the forms and concrete participation of the various traditional peoples and communities provided for in Decree No. 6,040/2007 on the implementation of ILO Convention 169.

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**SUGGESTION No. 6** [regarding article 2 of ICCPR (measures of legislative, administrative, and judicial nature for implementation of the right provided for in the Covenant)]: §§ 41 and 42 of the Third Periodic Report submitted by Brazil mention the Third National Human Rights Program (PNDH-3). Paragraph 41 states that "Over the last few years the Brazilian Government used several efforts to insert the human rights agenda across all Government policies developed by several public administration bodies, especially through the national human rights program, already in its 3rd edition (PNDH-3)." It refers to the Interministerial Committee for Follow-up and Monitoring of the PNDH-3. Paragraph 42 refers to the Observatory for the PNDH-3. Considering the position of civil society<sup>4</sup> and the National Council on Human Rights<sup>5</sup> regarding its implementation, it is suggested that the State party be requested to inform objectively about the stage of implementation of what is foreseen in the PNDH-3, which of the planned actions have been carried out and which have not, informing the reasons in the case of the latter, considering each year of the PNDH-3 (from 2009 to 2021). It is also suggested that the State party comment on the position of the National Council for Human Rights (Recommendation CNDH No. 27/2019) regarding its implementation. It is also suggested that the State party report the budget resources spent for the implementation of the PNDH-3, identifying actions taken and amounts spent per year, from 2010 to 2021. The State party is also requested to report on the reasons for the suspension of the activities of the Interministerial Committee (suspended by Decree No. 10,087/2019)<sup>6</sup> and to inform the follow-up modality that has been implemented after its suspension. The State is also requested to report on the reasons for the non-transparent measures and total absence of civil society participation in the review provided for in MMFDH Ordinance No. 457/2021, by the Ministry of Women, Family and Human Rights.

**SUGGESTION No. 7** [regarding article 3 of the ICCPR (gender equality)]: § 60 of the Third Periodic Report submitted by Brazil states that "violence against women is one of the main challenges currently faced by the Brazilian Government related to the promotion and protection of human rights." The Report actually acknowledges that, although administrative and legislative measures have been taken to fight against it (Maria da Penha Law, Law No. 13,104/2015, among others), the fact is that the situation of violence against women remains serious and has even deteriorated in the context of the Covid-19 pandemic<sup>7</sup>. Paragraph 66 of the Report mentions the expansion of the offer of shelter services for women, with the construction of extra units of the Casa da Mulher Brasileira, among other measures. Paragraphs 10 and 11 of the "Concluding Observations" of CCPR on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005, express the Committee's concern about the situation of Brazilian women, and provides specific recommendations. It is suggested that the State party be asked to report on the measures taken to comply with the recommendations made by the CCPR, providing disaggregated and specific data from 2005 to 2021. It is also requested that the State party present an accurate assessment of the effectiveness of the protective actions taken, of the public programs implemented, the amount of

<sup>4</sup> PNDH-3 10 years later. See [http://monitoramentodh.org.br/wp-content/uploads/woocommerce\\_uploads/2020/11/pdh3\\_10\\_anos\\_depois\\_final\\_vs2.pdf](http://monitoramentodh.org.br/wp-content/uploads/woocommerce_uploads/2020/11/pdh3_10_anos_depois_final_vs2.pdf)

<sup>5</sup> CNDH Recommendation No. 27/2019. See [www.gov.br/mdh/pt-br/acao-a-informacao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/Recomendaon27PNDH3.pdf](http://www.gov.br/mdh/pt-br/acao-a-informacao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/Recomendaon27PNDH3.pdf)

<sup>6</sup> See [www.planalto.gov.br/ccivil\\_03/\\_Ato2019-2022/2019/Decreto/D10087.htm#art1](http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D10087.htm#art1)

<sup>7</sup> See, among others, the article "The criminal responsibility of the President of the Republic, Mr. Jair Messias Bolsonaro, for crimes of State femicide during the Covid-19 pandemic", by Soraia da Rosa Mendes (2021, p. 128-155). Available at [https://dhsaude.org/relatorio/documento\\_subsidio/](https://dhsaude.org/relatorio/documento_subsidio/)

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public resources from the Union's applied since 2005 in actions to counteract violence against women Budget (per program, per year and the amounts effectively spent).

**SUGGESTION No. 8** [regarding article 5 of ICCPR (scope of rights provided for in the Covenant)]: § 70 of the Third Periodic Report submitted by Brazil states that the Brazilian Federal Constitution incorporates the international treaties for protection of human rights in its bill of rights, under art. 5, paragraph 2 and mentions Constitutional Amendment No. 45/2004, which established the procedure to admit international treaties, meaning that only when approved as a Constitutional Amendment will the treaty achieve constitutional status. There was no mention of the specific status of ICCPR, which was ratified by Brazil in 1992<sup>8</sup>, i.e., before the aforementioned Constitutional Amendment. It is suggested that the Brazilian State be asked to report on the specific status of the ICCPR in the Brazilian legislative hierarchy, particularly whether constitutional, infra-constitutional or supra-constitutional.

**SUGGESTION No. 9** [regarding article 6 of ICCPR (right to life)]: it is suggested that the Brazilian State be requested to inform its position regarding the reports of preventable deaths during the Covid-19 pandemic, considering the conclusions found in the Final Report<sup>9</sup> of the Parliamentary Inquiry Commission (CPI) of the Federal Senate and the viewpoint of civil society,<sup>10</sup> for whom, based on the assessment of epidemiology researchers, it is a fact that four out of every five deaths could have been avoided.

**SUGGESTION No. 10** [regarding article 6 of ICCPR (right to life)]: § 73 of the Third Periodic Report submitted by Brazil refers to "death squads", criminal organizations, and we add to these "militias", whose actions involve members of police forces and civilians that are allegedly involved in the practice of summary executions. It is suggested that the State party be asked to report in detail on these actions, with information on each of the Brazilian States, including the specific degree of involvement of police forces.

**SUGGESTION No. 11** [regarding article 6 of ICCPR (right to life)]: in the chapter about the right to life, the Third Periodic Report submitted by Brazil does not bring up the high rates of homicide in Brazil. The Brazilian Public Security Yearbook, published by the Brazilian Forum of Public Safety<sup>11</sup>, as well as the "Atlas of Violence",<sup>12</sup> a yearly publication by the Institute of Applied Economic Research (IPEA), a public organization, offer quite consistent information to show that the right to life is under grave threat in Brazil, due to the high rates of homicide and the State's low ability to counteract them. It is suggested that the Brazilian State be asked to report on the actions it has been taking (from 2005 to 2021) to combat violence and guarantee the right to life, especially for those who are most affected by homicides, which studies characterize as a genocide of black peripheral youth.

<sup>8</sup> Decree No. 592/1992. Available at [www.planalto.gov.br/ccivil\\_03/decreto/1990-1994/d0592.htm](http://www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0592.htm)

<sup>9</sup> See <https://legis.senado.leg.br/sdleg-getter/documento/download/72c805d3-888b-4228-8682-260175471243>

<sup>10</sup> See [https://dhsaude.org/relatorio/denunciacao\\_document\\_english/](https://dhsaude.org/relatorio/denunciacao_document_english/)

<sup>11</sup> See the various yearbooks at <https://forumseguranca.org.br/anuario-brasileiro-seguranca-publica/>

<sup>12</sup> See the various atlases for each year at <https://forumseguranca.org.br/atlas-da-violencia/>

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**SUGGESTION No. 12** [regarding article 6 of ICCPR (right to life)]: § 75 of the Third Periodic Report submitted by Brazil discusses police violence, presenting data up to 2016 that indicate a rise in police violence. The following paragraph (§ 76) refers to the lack of unified statistics on police lethality, despite the implementation of the National Information System for Public Security, Prison and Drugs (SINESP). On § 9 of the "Concluding Observations" of CCPR on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005, there is an expressed concern about the actions of military police forces. In recent years, there have been several massacres with direct involvement of police forces<sup>13</sup>, disregarding the Brazilian Supreme Court's ruling (ADPF No. 635/2020)<sup>14</sup>, which forbids police intervention in favelas and peripheral areas of Rio de Janeiro during the pandemic, other than in exceptional cases. It is suggested that the Brazilian State be asked to provide the missing information up to 2021 and that it do so based on consistent, reliable, and coherent data. And furthermore, that the status of the implementation of SINESP is informed, considering the adherence of the States and, if possible, that the accumulated data is disclosed, in which the information is as disaggregated as possible. They are also requested to inform the concrete measures (including the volume of budgetary resources used per year) that have been taken to reduce lethality, with an assessment of their effectiveness. It is also suggested that the State party submit concrete and direct information regarding the recommendation contained in § 9 of the "Concluding Observations" of the CCPR, since they were not presented in the Third Report. It is also requested that the State party express its opinion regarding legislation proposals<sup>15</sup> defending the inclusion of police actions in general into the "qualified immunity" category. It is also requested that the status of compliance with ADPF No. 635/2020 be informed. It is also essential that the State party be asked to provide information on measures to combat Covid-19 within different populations, particularly those of black people<sup>16</sup>.

**SUGGESTION No. 13** [regarding article 6 of ICCPR (right to life)]: § 82 refers to the process of educating public security agents, quotes RENAESP and the actions carried out up to 2016. It is suggested that the State party be asked to report on the status of this process, with information for the following years, up until 2021, particularly to inform what are the strategies, actions, budgetary resources invested per year, the number of agents trained, among other detailed information, especially considering the themes of education in human rights, presenting thorough information about the training programs implemented.

**SUGGESTION No. 14** [regarding article 6 of ICCPR (right to life)]: §§ 84 and 85 of the Third Periodic Report submitted by Brazil discuss the protection of human rights defenders and offers information on the Program for the Protection of Human Rights Defenders, with data up until 2017. It does not provide adequate and sufficient information regarding the fact that the Program regulations have undergone many changes,<sup>17</sup> facilitated by the lack of a State policy, nor does it

<sup>13</sup> Some recent examples were the Jacarezinho and Salgueiro massacres, both in 2021.

<sup>14</sup> See <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5816502>

<sup>15</sup> Among the various proposals that are in progress, especially Bill No. 9,064/2017, authored by then Federal Congressman Jair Bolsonaro. See [www.camara.leg.br/proposicoesWeb/prop\\_mostrarintegra?codteor=1625390](http://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1625390)

<sup>16</sup> See, among others, the article "Race, human rights and health in the context of Covid-19 in Brazil" by Benilda Regina Paiva de Brito (2021, p. 156-178). Available at [https://dhsaude.org/relatorio/documento\\_subsidio/](https://dhsaude.org/relatorio/documento_subsidio/)

<sup>17</sup> The fact that there is not yet a law to regulate it has meant that there have been several changes in the Decree that created it: first, by Decree No. 6,044/2007; then by Decree No. 8724/2016; Decree No. 9,937/2019; and recently Decree No. 10,815/2021, , practically one change every four years

discuss the reduction in the participation of civil society representation in the composition of the Federal Program Council<sup>18</sup>; it does not justify why the Program has not yet been replicated and implemented in all the States of the Country either. It is suggested that the State party be asked to report on investments made in the policy to protect defenders, with the amount of budgetary resources per year effectively spent since the creation of the policy until 2021<sup>19</sup>. It is suggested that an update be requested on the number of protected defenders and their distribution in the territory, as well as the main reasons why they need protection, always within the limit of what could pose a threat to them. It is also suggested that the State party update information on the implementation of State programs. Also, that reasons are produced for not expanding the participation of society to a parity level in the Federal Program Council. Moreover, the State party should also inform the reasons why Bill No. 4,575/2009, which characterizes the protection of defenders as a State policy, has not moved forward in the Federal Parliament. Finally, it is also suggested that information be requested regarding the decision of the Federal Court<sup>20</sup> that mandates the elaboration of the National Plan for the Protection of Human Rights Defenders and the provision for its fulfillment.

**SUGGESTION No. 15** [regarding article 6 of ICCPR (right to life)]: §§ 86 and 87 of the Third Periodic Report submitted by Brazil discuss the Program for the Protection of Victims and Threatened Witnesses (PROVITA). The State party is asked to inform the reasons why the Program exists only in less than half (13) of the Federation Units (27 in all). The State party is also requested to report on the volume of resources used per year, since it was created and up to 2021, from the Union budget. It is also requested that the information about the number of protected people until 2021 is updated with data as disaggregated as possible (without compromising the safety of the protected people). The State party is also requested to present more information about the National System of Information on Victims and Witnesses (SISNAVT), the level of its implementation, its main accomplishments, and challenges.

**SUGGESTION No. 16** [regarding article 6 of ICCPR (right to life)]: §§ 89 to 91 of the Third Periodic Report submitted by Brazil bring information on the right to memory and to truth, with data about the Amnesty Commission and the National Truth Commission, albeit without any information on the Commission on Dead and Missing Persons. It is suggested that the State party be requested to present detailed information about the number of cases pending with indemnity requests, how many were granted, how many were denied, with data broken down by year, dating back from the creation of these commissions until 2021. With regard to the recommendations of the National Truth Commission, it is suggested that the State party be requested to report on the status of each one of them, what measures have been taken, what progress has been made, and/or any challenges to their implementation. Considering that the National Truth Commission "acknowledged the occurrence of violations of human rights [...], most notably during the military

<sup>18</sup> See the CBDDH Technical Note at <https://comiteddh.org.br/wp-content/uploads/2021/11/CBDDH-Nota-Tecnica-Decreto-10815-2021.pdf>

<sup>19</sup> See <https://oglobo.globo.com/politica/com-menos-verba-programa-de-protecao-defensores-de-direitos-humanos-perde-folego-sob-damares-1-25069381>

<sup>20</sup> See [www.trf4.jus.br/trf4/controlador.php?acao=noticia\\_visualizar&id\\_noticia=15831](http://www.trf4.jus.br/trf4/controlador.php?acao=noticia_visualizar&id_noticia=15831) and [www.mpf.mp.br/regiao4/sala-de-imprensa/noticias-r4/grupo-que-elaborara-plano-nacional-de-protecao-aos-defensores-de-direitos-humanos-deve-ter-participacao-paritaria-da-sociedade-civil](http://www.mpf.mp.br/regiao4/sala-de-imprensa/noticias-r4/grupo-que-elaborara-plano-nacional-de-protecao-aos-defensores-de-direitos-humanos-deve-ter-participacao-paritaria-da-sociedade-civil). To see the rapporteuse's vote, visit [www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100\\_relatorio\\_pndh.PDF](http://www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100_relatorio_pndh.PDF) and for the Ruling, visit [www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100\\_acordao\\_pndh.PDF](http://www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100_acordao_pndh.PDF)

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dictatorship, focusing on 4 types: torture, death, forced disappearance, and concealment of a corpse", accounting for "191 deaths and 210 recognized disappearances, 33 missing persons, whose bodies were later found, and 337 public officials and persons employed by the State, indicated as perpetrators of human rights violations", and that in § 18 of the "Concluding Observations" of the CCPR report on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005, the Committee voiced their concern about the fact that "there has been no official inquiry into or direct accountability for the grave human rights violations of the dictatorship", hence recommending that the State party "should consider other methods of accountability for human rights crimes committed under the military dictatorship" and, among other measures, should also make public all the documents about the abuse of human rights, it is suggested that the State party be requested to provide information on the administrative and legislative measures taken to fulfill these recommendations.

**SUGGESTION No. 17** [regarding article 7 of ICCPR (prohibition of torture)]: § 92 of the Third Periodic Report submitted by Brazil indicates that the State party did not present information regarding torture, and that these would have been presented on the Second Periodic Report on the Committee against Torture. It is understood that this topic has a specific Convention and is subject to being monitored by a specific Committee. Nevertheless, since there is provision in the ICCPR, it is necessary for the CCPR to insist that the State submit detailed information with maximum disaggregation in this regard, including by requesting that the State report on its expressed concerns and the recommendations in this regard contained in § 12 of the CCPR's "Concluding Observations" on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005.

**SUGGESTION No. 18** [regarding article 8 of ICCPR (prohibition of slavery, servitude, forced or mandatory labor, and of trafficking in persons)]: §§ 93 to 100 of the Third Periodic Report submitted by Brazil acknowledge that it is still possible to note the persistence of practices of slavery or similar to slavery in the country, and mention tools to combat it, among other information. However, it is necessary that the State party be asked to report, with disaggregated yearly data, from 2005 to 2021, on the performance of the bodies in charge of fighting against slave labor, the yearly budget allocations for their activities, as well as the results, including changes in legislation in this regard. In particular, it is essential that the State report on the compliance with the recommendations in §§ 14 and 15 of the CCPR's "Concluding Observations" on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005.

**SUGGESTION No. 19** [regarding article 10 of ICCPR (rights of persons deprived of liberty)]: §§ 143 to 162 of the Third Periodic Report submitted by Brazil discuss the prison system situation, and brings data on it. However, the data refer to 2016, with no previous or subsequent historical series (until 2021), making comparisons impossible. In view of this, it is suggested that the State party be asked to inform, with as much disaggregation as possible, and for every year, the status of the prison system situation. It is also suggested that the State party report on how it has dealt with the position of civil society, which suggests an "extrication agenda"<sup>21</sup>. It is also suggested that information be provided about the federal government's efforts to confront Covid-19<sup>22</sup> inside Brazilian prisons. In

<sup>21</sup> See <https://desencarceramento.org.br/>

<sup>22</sup> See, among others, the article "Syndemics and incarceration in Brazil: the disposability of bodies and the management of the undesirables in the context of Covid-19" by Cristian de Oliveira Gamba (2021, pp. 77-102). Available at [https://dhsaude.org/relatorio/documento\\_subsidio/](https://dhsaude.org/relatorio/documento_subsidio/)

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particular, it is fundamental that the State party report on the compliance with the recommendations in § 16 of the CCPR's "Concluding Observations" on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005.

**SUGGESTION No. 20** [regarding article 14 of ICCPR (equality before courts and access to justice)]: §§ 183 and 185 of the Third Periodic Report submitted by Brazil refer to the democratization of the access to justice, with information on the measures taken to modernize the Brazilian Justice System. However, there is no more detailed information regarding the deficiencies of access to justice, especially for the poorest populations, neither regarding other relevant aspects, which even prompted the considerations and recommendations contained in § 17 of the "Concluding Observations" of the CCPR on Brazil (CCPR/C/BRA/CO/2), of December 1, 2005. The State party is requested to report in detail on the measures adopted to comply with the recommendations of the CCPR, especially considering the accusations of *lawfare* made as a result of operations of great national repercussion such as "Lava Jato".

**SUGGESTION No. 21** [regarding articles 18 and 19 of ICCPR (freedom of thought, consciousness, and religion; freedom of opinion, expression, and information)]: §§ 216 to 220 and 221 to 226 of the Third Periodic Report submitted by Brazil acknowledge that there is still prejudice against certain religions in the country, especially directed at African-based religions, and that there have been attacks against secularism within the State. In recent years there has also been an increase in attacks against the freedom of information, especially through fake news, hate speech, and the invocation of freedom of expression as a means to attack opponents or opponents of others. Considering that the Report presents little information in this regard, it is suggested that the State party be asked to report on the measures taken by the Federal Government to confront these practices, as well as to report on the ongoing investigative procedures, including those against the President of the Republic himself, indicating which human rights education actions were taken or supported by the Federal Government, including information on budgetary investments in recent years.

**SUGGESTION No. 22** [regarding articles 21 and 22 of ICCPR (right to peaceful assembly; right to freedom of association, including the right to form and join trade unions)]: §§ 228 to 239 discuss these important rights for a more significant participation of civil society. There are records of several cases of violence against protesters,<sup>23</sup> of closing of democratic spaces<sup>24</sup> and even of the use of legislation to criminally qualify protesters (such as the Criminal Organizations Law No. 12,850/2013<sup>25</sup> and the National Security Law, recently revoked), being that in the case of the latter, there was a 285% increase in its application during the Bolsonaro government.<sup>26</sup> There is also concern about the proposals to change the Law against Terrorism (Law No. 13,260/1016)<sup>27</sup> whose Bills - more than 20 being processed at this time - aim mostly at qualifying the actions of social organizations and movements as terrorist acts (Bill No. 1,595/2019<sup>28</sup> is among the most unsettling

<sup>23</sup> See <https://comiteddh.org.br/wp-content/uploads/2020/12/Dossie-Vidas-em-Luta.pdf>

<sup>24</sup> Source [https://artigo19.org/wp-content/blogs.dir/24/files/2021/02/ARTIGO-19\\_Consulta-Espaco-Civico-Brasil-FINAL.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2021/02/ARTIGO-19_Consulta-Espaco-Civico-Brasil-FINAL.pdf)

<sup>25</sup> See [www.planalto.gov.br/ccivil\\_03/ato2011-2014/2013/lei/112850.htm](http://www.planalto.gov.br/ccivil_03/ato2011-2014/2013/lei/112850.htm)

<sup>26</sup> Federal Police inquests based on the National Security Law increase by 285% during the Bolsonaro administration. March 19, 2021. Available at: <https://politica.estadao.com.br/noticias/geral,inqueritos-da-pf-com-base-na-lei-de-seguranca-nacional-cresem-285-no-governo-bolsonaro,70003652910>

<sup>27</sup> See [www.planalto.gov.br/ccivil\\_03/ato2015-2018/2016/lei/113260.htm](http://www.planalto.gov.br/ccivil_03/ato2015-2018/2016/lei/113260.htm)

<sup>28</sup> See [www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2194587](http://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2194587)



## *Luta pela Vida, Contra a Violência*

ones). It is suggested that the State party be asked to report on the reasons why leaders and organizations have been more and more criminally indicted, providing data on the number of ongoing cases and their main targets. It is also suggested that it informs about the State's position regarding the Bills that deal with the inclusion of social movements and organizations in the Anti-Terrorism Law.

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