

**CONTRIBUTIONS TO THE EVALUATION
OF THE THIRD BRAZILIAN REPORT
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

INTRODUCTION

01 The Movimento Nacional de Direitos Humanos (MNDH Brazil), a nationwide network that brings together numerous local organizations working on various human rights issues, has conducted a thorough analysis of the Third Periodic Report regarding compliance with the International Covenant on Civil and Political Rights (ICCPR), as well as Brazil's responses to the UN CCPR's List of Issues. To contribute to the CCPR process, the MNDH now presents an evaluation of the progress made in implementing the recommendations outlined in the Concluding Observations of the Second Report. Additionally, it offers comments and observations on the Report itself, along with responses to the questions raised in the Third Report. Lastly, the MNDH respectfully puts forth suggestions for recommendations that the CCPR could consider incorporating into the Concluding Observations of the Third Report.

ABOUT THE CONCLUDING OBSERVATIONS ON THE II REPORT

02 Please find below a comprehensive table displaying the current state of compliance with the recommendations outlined in the Concluding Observations on Brazil (CCPR/C/BRA/CO/2) dated December 1, 2005. The classifications used are as follows: "Fulfilled" indicates recommendations that have been entirely satisfied, "Not Fulfilled" represents the ones that have not been fully implemented, "Partially Fulfilled" denotes the ones that have been partially addressed, and "Fulfilled with Delay" indicates the ones that have been ultimately met but not within the timeframe prescribed by the CCPR.

§ CCPR	STATUS	REASONS
§ 5 Responsibility of federated entities	Not fulfilled	The Federal Union bears the responsibility for upholding all international obligations, including those of the federated states. However, currently, there is a lack of legislation that delineates the internal mechanisms for fulfilling these responsibilities. It is worth noting that Bills No. 3214/2000 and No. 153/2020, although introduced, have yet to be put to a vote, thus leaving the matter partially unresolved.
§ 6 Demarcation of Indigenous Lands	Partially fulfilled	In the past four years, it is important to note that not all ongoing processes have been halted by FUNAI. During this period, a concept known as the "Temporal Milestone" has been proposed and discussed, as evidenced by the Opinion of the General Attorney's Office, a judgment rendered by the Supreme Federal Court, and a Bill of Law currently under consideration in the Parliament. Moreover, there is document-

		ted evidence indicating a rising presence of non-indigenous individuals engaging in activities aimed at economic exploitation. This is exemplified by the proposal of a Constitutional Amendment (Constitutional Amendment Project No. 187/2016) which seeks to "legalize these practices".
§ 7 Responsibility of the State Judiciary	Partially fulfilled	The Judiciary, through the National Council of Justice, has implemented numerous initiatives to fulfill its obligations in the realm of human rights. These include the establishment of the National Pact of the Judiciary for Human Rights, the Human Rights Observatory of the Judiciary, and the Unit dedicated to monitoring and enforcing the decisions and resolutions of the Inter-American Court of Human Rights. While these measures are crucial, their implementation has not yet been fully integrated across the entire Judiciary.
§ 8 Strengthening of the Human Rights Secretariat	Partially fulfilled	The Secretariat for Human Rights underwent an elevation in status, being elevated to a Ministry, thereby obtaining a heightened position within the federal Executive Branch. Nonetheless, challenges persist in terms of the structural and purposive modifications, as well as the allocation of budgetary resources and the availability of a permanent workforce, all of which hinder its ability to operate effectively and assertively. In the federated units, namely the states and municipalities, these entities face even greater vulnerabilities, as they are subject to the influence and policies of the incumbent administration.
§ 9 Dissolution of Military Justice Control of Police Actions	Not fulfilled	The Military Justice system remains intact and retains jurisdiction over police activities, occasionally leading to conflicts with the civilian justice system. While the oversight of police activities falls within the purview of the Public Prosecutor's Office, there are ongoing controversies surrounding its effective implementation. Regrettably, crimes and incidents of police violence, commonly referred to as "slaughters," often go without thorough investigation or appropriate accountability measures.
§ 10 Participation of Women in Public Life (especially Black and Indigenous Women)	Not fulfilled	Despite witnessing a rise in the representation of women within the public powers, including the executive, legislative, and judiciary branches, it remains evident that they are significantly underrepresented. This disparity is particularly pronounced for black and indigenous women, who face an even greater marginalization in terms of their presence and influence in these spheres.
§ 11 Combating Violence Against Women	Partially fulfilled	Since that time, significant legislative advancements have been made in addressing gender-based violence, including the enactment and implementation of the Maria da Penha Law (No. 11.340/2006), the Femicide Law (No. 13.104/2015), and the Gender Political Violence Law (No. 14.192/2021). Never-

		theless, despite these efforts, the prevalence of violence against women remains alarmingly pervasive, with an even higher incidence observed among black women.
§ 12 Eradication of Police Violence, Extra judicial Executions, Torture and other inhumane practices	Not fulfilled	The issue of police violence continues to escalate, with an alarming increase in the presence of "militias" associated with both the police forces and organized crime, engaging in extrajudicial executions. Furthermore, in recent years, the federal government has even advocated for a controversial concept known as the "excluder of illegality" for police officers, and the Executive Branch has put forth legislative proposals addressing this matter (Bills No. 6125/2019; No. 733/2022).
§ 13 Federalization of Crimes against Human Rights	Partially fulfilled	The legislation is currently in force; however, the effective implementation of federalization measures continues to face obstacles due to internal disputes within the Judiciary Branch, resulting in infrequent application of such provisions.
§ 14 Fight against Slavery-like Labor	Not fulfilled	Over the past few years, there has been a notable erosion of the institutions responsible for oversight and accountability concerning practices akin to modern-day slavery, leading to a significant surge in the number of reported cases. Regrettably, the practice of maintaining a "dirty list" of companies involved in such activities has been discontinued. As a consequence, those responsible for perpetuating these illicit practices continue to evade accountability, while the compensation provided to liberated workers remains inadequately low.
§ 15 Fight Against Human Trafficking	Partially fulfilled	In recent years, the public policy frameworks dedicated to combating human trafficking have faced severe limitations. Unfortunately, the existing legislation lacks concrete provisions to ensure that victims receive adequate and effective remedies for the injustices they have endured.
§ 16 Correctional System Status	Not fulfilled	Since that time, the prison population has witnessed a steady rise, culminating in its position as the third largest globally. A significant proportion of these inmates have yet to be convicted, with the majority falling within the demographic of young individuals who are both black and economically disadvantaged. Regrettably, efforts to implement decarceration measures aimed at alleviating this issue have not been adopted.
§ 17 Judiciary independence and impartiality	Partially fulfilled	Brazil has observed a concerning rise in the "politicization" of certain sectors within the Judiciary, manifested through the utilization of lawfare as a strategy. A prominent illustration of this phenomenon is evident in the declaration of impartiality provided by the federal judge overseeing multiple instances of the "Lava Jato" proceedings.

§ 18 Accountability for crimes against human rights committed during the military dictatorship	Not fulfilled	The Amnesty Law continues to maintain an interpretation that exempts individuals from criminal liability, as confirmed by a decision rendered by the Supreme Court. Furthermore, a significant number of the recommendations put forth by the National Truth Commission have yet to be effectively implemented. Additionally, there remains a considerable portion of documents from that era that have not been disclosed to the public.
§ 19 Children living on the Streets	Not fulfilled	The prevalence of homeless children and adolescents remains significant. According to a census conducted by the São Paulo City Hall in 2022, there were 3.7 thousand children and adolescents living on the streets in São Paulo, with 66.7% of them being victims of child labor. Furthermore, estimates by World Vision suggest that the nationwide figure was around 70,000 in 2019. It is disheartening to note that no comprehensive national census capturing this data exists. As the country has reappeared on the UN Hunger Map in 2022, there has been an overall increase in the homeless population, including children. An IPEA study demonstrates a 38% growth since 2019, reaching a total of 281,000 individuals in 2022.
§ 20 Situation of the Gypsy Community	Partially fulfilled	While some information has been provided regarding the Romani community in Brazil, the adoption of specific protective measures remains pending, primarily due to the lack of progress and review of the "Gypsy Statute" in parliament.
§ 21 Making the Recommendations Public	Not fulfilled	The Brazilian State did not publicize the evaluation documents of the second report, nor did they make any efforts to translate or publish the Concluding Observations online or in any other accessible platform.
§ 22 Report on the Fulfillment of Recommendations	Fulfilled with Delay	The CCPR mandated Brazil to submit a dedicated report within one year, outlining its adherence to the recommendations specified in paragraphs 6, 12, 16, and 18 of the Concluding Observations. However, the submission of this report, designated as CCPR/C/BRA/CO/2/Add.1, was delayed significantly, taking place on April 18, 2008, nearly three years beyond the stipulated timeframe.
§ 23 Submission of a New Periodic Report	Fulfilled with Delay	The CCPR established October 31, 2009, as the deadline for the submission of a subsequent Report. The Brazilian State submitted the Third Report, officially acknowledged by the CCPR on June 3rd, 2020, under the reference CCPR/C/BRA/3. However, regrettably, this report did not provide any information pertaining to the fulfillment of the previously issued recommendations.

OBSERVATIONS AND REMARKS CONCERNING THE THIRD REPORT AND THE RESPONSES PROVIDED BY THE STATE TO THE POSED INQUIRIES

03 This section provides overarching observations regarding both the version of the Third Report¹ published in Brazil and the version submitted to the CCPR Human Rights Committee. Additionally, it encompasses an analysis of the responses furnished by the Brazilian State in the CCPR's List of Issues.² The purpose of these comments is to highlight deficiencies and, in certain instances, inadequacies. In cases where deemed feasible, concise supplementary information or alternatives are suggested. The content will be organized according to the articles within the ICCPR.

Article 1

04 Paragraph 6 of the Third State Report highlights the achievements of the National Foundation for Indigenous Peoples (FUNAI). However, there have been numerous complaints from indigenous communities and indigenist organizations regarding the dismantling of this institution, particularly during the Bolsonaro administration. The State has not provided any information regarding the policies, programs, and initiatives implemented since the issuance of the previous "Concluding Observations" by the CCPR in 2005. This includes the absence of annual budgetary details. Moreover, the State has failed to acknowledge that no indigenous land has been demarcated in recent years. Furthermore, there is inadequate update on the actions undertaken by the Brazilian State in response to COVID-19 within indigenous communities, as outlined in § 6 of the "Concluding Observations" by the CCPR. We recommend referring to the documents mentioned in the corresponding footnote for further clarification.³

05 Paragraph 7 of the Third State Report discusses the National Policy for Territorial and Environmental Management of Indigenous Lands (PNGATI), while paragraph 8 addresses the National Policy for Technical Assistance and Rural Extension (PNATER). However, there is a notable absence of information regarding the implementation of these policies in each Indigenous Land, as well as their efficacy in fulfilling their intended objectives. Alarming accusations of "illegal leasing" and a lenient approach towards the encroachment of indigenous lands by loggers, miners, and ranchers have surfaced. This is exacerbated by public endorsements of these practices by authorities and legislative proposals seeking their formal recognition as legal activities. Additionally, the State has neglected to provide details concerning policies and plans aimed at safeguarding indigenous peoples' exercise of self-determination over their lands and life projects, which inherently differ from the surrounding society. Furthermore, it remains unclear

¹ Content available at www.gov.br/mdh/pt-br/navegue-por-temas/atuacao-internacional/relatorios-internacionais-1/pacto-internacional-sobre-direitos-civis-e-politicos. Visited on May 15 2023, version published in Brazil. The version submitted to the CCPR (CCPR/C/BRA/3) is available at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBRA%2f3&Lang=en

² See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBRA%2fRQ%2f3&Lang=en

³ Among other documents, refer to the article "Povos indígenas e as violações do direito humano à saúde no contexto da pandemia da Covid-19: subsídios à denúncia internacional" ("*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/. See also Articulation of Indigenous Peoples of Brazil (APIB) Dossier, available at https://apiboficial.org/files/2021/08/DOSSIE_pt_v3web.pdf. See denouncement submitted to the ICJ <https://apiboficial.org/2021/08/09/inedito-apib-denuncia-bolsonaro-em-haia-por-genocidio-indigena/>

whether these policies and plans will ensure the crucial principles of free, prior, and informed consent in matters affecting indigenous communities.

06 Paragraph 15 of the Third State Report provides data sourced from the National Institute of Colonization and Agrarian Reform (INCRA) regarding ongoing land titling processes, titled communities, total area, and families benefiting the quilombola population. Moving forward, paragraphs 16 and 17 touch upon the Brazil Quilombola Program. Regrettably, the report lacks comprehensive annual data spanning from 2010 to 2021 regarding the number of new proceedings, resolved cases, titled quilombola communities, their respective land extents, as well as the overall area involved. Furthermore, it omits details about the specific number of beneficiaries, which should be disaggregated based on sex/gender, age, and other pertinent factors. Concerns have been raised regarding the discontinuation of the Brazil Quilombola Program in recent years, with dwindling investments and diminishing outcomes and impacts on the quilombola communities. Notably, the report fails to mention an ongoing case awaiting judgment by the Inter-American Court of Human Rights concerning 152 quilombola communities in Alcântara, Maranhão.⁴

07 Paragraphs 21 to 24 of the Third State Report address measures pertaining to the Romani community, including details on the progress of the Gypsy Statute (Bill No 248/2015 [No. 1397/2022 in the House of Representatives]⁵), authored by Senator Paulo Paim, already approved in the Federal Senate and currently awaiting approval in the Committees of the House of Representatives). Unfortunately, the report lacks information on the impact of these measures and the current status of the Statute, as its advancement has been completely stalled. Furthermore, the report fails to fulfill the request outlined in paragraph 20 of the "Concluding Observations" of the CCPR, which expresses concern for the Romani community and urges the submission of relevant information. Insufficient data is provided regarding the overall situation of the Romani people in the country, including population figures, their economic status, documented instances of attacks or discrimination, and other related aspects.

Article 2

08 Paragraph 41 of the Third State Report acknowledges the Brazilian State's recent endeavors to incorporate the human rights agenda across all state policies developed by various public administration bodies, notably through the National Human Rights Program (PNDH-3), now in its third edition. The report references the Interministerial Committee established to monitor the PNDH-3's progress. Paragraph 42 addresses the PNDH-3 Observatory, whose implementation has been evaluated by civil society⁶ and the National Council for Human Rights (Recommendation NCHR No. 27/2019)⁷. However, the government has not provided public documentation detailing the specific actions undertaken and the allocated budget for each year of the PNDH-3 (from 2010 to 2022). It is worth noting that the government suspended the activities of the Interministerial Committee responsible for monitoring the PNDH-3's

⁴ See summary at www.corteidh.or.cr/docs/tramite/comunidades_quilombolas_de_alcantara.pdf

⁵ See www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2325085

⁶ *NHRP-3 10 years later*. See http://monitoramentodh.org.br/wp-content/uploads/woocommerce_uploads/2020/11/pdh3_10_anos_depois_final_vs2.pdf

⁷ National Human Rights Committee Recommendation No. 27/2019. See www.gov.br/mdh/pt-br/aceso-a-informacao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/Recomendaon27PNDH3.pdf

implementation (Decree No. 10.087/2019).⁸ Instead, a new review process was initiated without transparency and without the involvement of civil society (Ordinance No. 457/2021 issued by the Ministry of Women, Family, and Human Rights).⁹

09 Brazil is yet to establish a National Human Rights Institution (NHRI) accredited within the United Nations system. Every endeavor is being pursued to organize the National Council for Human Rights (NCHR) to facilitate this accreditation. It is of utmost importance to ensure that the necessary conditions are in place for the NCHR to operate with complete independence, including financial autonomy. Unfortunately, in recent years, and persisting to the present day, the NHRI has faced significant challenges due to insufficient and inadequate funding, staffing, and overall resources, severely impacting its ability to function effectively.

Article 3

10 Paragraph 60 of the Third State Report asserts that "violence against women poses one of the primary challenges to the promotion and protection of human rights faced by the Brazilian State." Regrettably, this issue has experienced an alarming increase, particularly affecting black women, and has further exacerbated during the COVID-19 pandemic.¹⁰ Furthermore, the discontinuation of several policies has exacerbated the situation, leading to a distressing state of affairs.

11 The CCPR examines the matter through three questions posed to the State (Questions 5, 8, and 9). In response to *Question 5 on Gender Equality (articles 3 and 26)*, the State refers to the "Women in Power" program in a general sense, with no specified outcomes. Changes to the Violence against Women hotline (180) are mentioned without providing further details. The "Qualifying Women" project is briefly mentioned, with limited information on the budget for gender equality and women's political participation. Regarding *Question 8 on Violence Against Women and Domestic Violence (articles 2, 3, 6, 7, and 26)*, the response mentions "Annex II" (the Women's Socio-Economic Annual Report), which is not among the documents provided by the CCPR. The response acknowledges the Maria da Penha Law but lacks disaggregated and detailed data on violence against women, femicides, and related aspects. The response does not adequately address the higher incidence of violence against black women or specific protection measures. While the Brazilian Women's House is discussed, no other specific services for women are mentioned, and there is no information provided on the impact of COVID-19 on the lives of women and girls. Regarding *Question 9 on Legal Abortion and Sexual and Reproductive Rights (articles 6, 7, and 8)*, the response is limited to an anti-abortion statement. The expression "immune to progressive ideological agendas" suggests an endorsement of a conservative ideological agenda, including adherence to the Declaration of the "Geneva Consensus Declaration" previously made by the government (from which the current government has withdrawn). The response also refers to the commitment to "life at its origin" based on the UN Convention on the Rights of the Child, indicating that the protection extends to "the born and the

⁸ See www.planalto.gov.br/ccivil_03/ Ato2019-2022/2019/Decreto/D10087.htm#art1

⁹ See www.in.gov.br/en/web/dou/-/portaria-n-457-de-10-de-fevereiro-de-2021-303365015

¹⁰ See, among others, the article "A responsabilidade criminal do Presidente da República, senhor Jair Messias Bolsonaro, por crimes de feminicídio de Estado durante a pandemia Covid-19" ("*The criminal responsibility of the President of the Republic, Mr. Jair Messias Bolsonaro, for crimes of State-sanctioned femicide during the COVID-19 pandemic*"), by Soraia da Rosa Mendes (2021, p. 128-155). Available at https://dhsaude.org/relatorio/documento_subsidio/

conceived." However, the response does not address the request for data on women penalized for undergoing abortion or provide information on the practical existence and impact of abortion on women's lives.

Article 4

12 The COVID-19 pandemic necessitated a range of restrictions due to its emergency nature. The implemented measures aimed to align with sanitary requirements. However, in Brazil, the government's response diverged from what might have been anticipated, as certain high-ranking officials expressed criticism and denialist viewpoints, along with resistance towards essential measures. This included basic precautions like mask usage, personal hygiene, and vaccination.¹¹. Regrettably, these actions contributed to an elevated mortality rate.

13 In response to *Question 6 concerning the State of Emergency (article 4)*, the Brazilian State simply stated that the measures implemented did not violate the ICCPR. It noted that additional information was provided in the Report for the Universal Periodic Review (UPR). However, the response neglected to address the various actions of the federal government that directly impacted the exercise of the right to life and other rights, which will be detailed in subsequent articles.

Article 5

14 Paragraph 70 of the Third State Report asserts that international treaties safeguarding human rights are incorporated into the Brazilian legal framework in accordance with Article 5, paragraph 2 of the Federal Constitution. It references Constitutional Amendment 45/2004, which established the procedure for the reception of international treaties, stipulating that only when treated as constitutional amendments would they acquire constitutional status. However, it is worth noting that the ICCPR, subject to examination by this Committee, was ratified by Brazil in 1992¹²; predating the aforementioned Constitutional Amendment. Consequently, the specific status of the ICCPR within the Brazilian legislative hierarchy remains "undetermined" without the submission of any formalized resolution.

Article 6

15 Paragraph 73 of the Third State Report makes reference to "extermination groups" - criminal organizations, which can be additionally identified as "militias," with the complicity of police and civilian forces, engaged in the practice of extrajudicial killings. Interestingly, it was the State itself that provided a comprehensive account of these activities, disclosing the extent of police force involvement. Undeniably, multiple studies¹³ corroborate the proliferation of these highly active groups, particularly in marginalized regions of Brazil.

¹¹ A mapping of these standpoints can be found in the book "Bolsonaro and his followers: 1,560 phrases", by Walter Barreto Jr [Editora Geração editorial, 2022]. See also "The denial of the pandemic: reflections on the Bolsonaroist strategy", by Gilberto Grassi Cali, published in "Revista Serviço Social & Sociedade", No. 140, 2021, available at www.scielo.br/j/ssoc/a/ZPF6DGX5n4xhfJNTypm87qS/#

¹² Decree No. 592/1992. Available at www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0592.htm

¹³ See, among others, by Alba Zaluar, "Favelas sob o controle das milícias no Rio de Janeiro", available at http://produtos.seade.gov.br/produtos/spp/v21n02/v21n02_08.pdf, the study "Segurança, Tráfico e Milícias no Rio de Janeiro (2008) da Justiça Global", available at www.global.org.br/wp-content/uploads/2009/12/Relatorio_Milicias_completo.pdf, the

16 In the section dedicated to the right to life, the Third State Report notably omits any mention of the alarming homicide rate prevailing in Brazil. Noteworthy sources such as the Brazilian Yearbook of Public Security, published by the Brazilian Forum on Public Security¹⁴, and the "Atlas of Violence"¹⁵, released by the Institute of Applied Economic Research (IPEA), a public institution, provide compelling evidence to underscore the substantial jeopardy faced by the right to life in Brazil. The persistently high homicide rate, coupled with the State's limited capacity to effectively address it, disproportionately affects black individuals and young people residing in peripheral areas. This dire reality has been characterized by scholars as the "genocide of black peripheral youth." Additionally, it is imperative to acknowledge that the COVID-19 pandemic has further exacerbated this situation, particularly for black communities.¹⁶

17 Paragraph 75 of the Third State Report examines police violence and presents data up until 2016, highlighting an increase in such incidents. Subsequently, paragraph 76 addresses the absence of comprehensive statistics on police lethality, despite the establishment of the National Information System for Public Security, Prison, and Drugs (SINESP). Within the "Concluding Remarks," specifically in Paragraph 9, the CCPR expresses concern regarding the conduct of the military police. In recent years, there have been numerous instances of killings involving direct police intervention¹⁷, even disregarding the decision of the Federal Supreme Court (ADPF No. 635/2020)¹⁸, which imposed restrictions on police operations in the favelas and peripheral areas of Rio de Janeiro, allowing for exceptional circumstances during the pandemic. Notably, certain sectors of the previous administration demonstrated support for legislative proposals¹⁹ aimed at expanding the scope of the "excluder of illegality," thereby encompassing a broader range of police actions.

18 Paragraph 82 of the Third State Report discusses the training of public security agents and mentions *Renaesp*, focusing solely on activities conducted up until 2016. However, the report lacks specific details concerning strategies, actions, allocated budgetary resources, and the number of agents trained in subsequent years, notably after the presidential impeachment and subsequent administrations. Furthermore, there is a notable absence of information regarding human rights education topics, despite the acknowledgment that these subjects are no longer being addressed with public security agents.

19 Paragraphs 84 and 85 of the Third State Report address the topic of human rights defenders' protection. The data presented in the report is current up to 2017, although additional information was provided in response to specific questions. However, the report fails to provide comprehensive or adequate information regarding the numerous changes to the norms of the

report "Novas configurações das redes criminosas após a implantação das UPPS", available at <https://observatoriodefavelas.org.br/wp-content/uploads/2018/08/Novas-Configuracoes-das-Redes-Criminosas.pdf>

¹⁴ See the various Yearbooks at <https://forumseguranca.org.br/anuario-brasileiro-seguranca-publica/>

¹⁵ See each year's Atlas at <https://forumseguranca.org.br/atlas-da-violencia/>

¹⁶ See, among others, the article "Raça, direitos humanos e saúde no contexto da Covid-19 no Brasil" ("*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/

¹⁷ To name a few recent examples: the Jacarezinho and Salgueiro massacres, both in 2021.

¹⁸ See <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5816502>

¹⁹ Among the various proposals currently being considered, especially Bill No. 9,064/2017, proposed by then Federal Representative Jair Bolsonaro. See www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1625390

Program.²⁰ These changes are facilitated by the fact that the Program is not yet established as a State policy and lacks strong institutionalization. Additionally, the report does not mention the declining participation of civil society representatives in the Federal Program's Council²¹, nor nor explain why the Program has not been universally implemented across all states of the country. Furthermore, the report does not provide any justification for the lack of progress in the Federal Parliament regarding Bill No. 4,575/2009, which aims to establish a state policy for the protection of defenders. The State also omitted information about the Federal Court's decision²² that requires the development of the National Plan for the Protection of Human Rights Defenders, as well as the timeline for its implementation, which remains pending despite the final and unappealable decision.

20 Paragraphs 86 and 87 of the Third State Report provide an overview of the Program for the Protection of Threatened Victims and Witnesses (PROVITA). It is noteworthy that despite being a well-established program supported by its own federal legislation (Law No. 9,807/1999²³), it is currently implemented in less than half of the Federation Units, specifically in 13 out of the total 27. The report, however, does not include updated and disaggregated data concerning the individuals under protection. It is understandable that disclosing such information beyond 2022 could potentially compromise their safety and security.

21 Paragraphs 89 to 91 of the Third State Report provide an account of the right to memory and truth, discussing the Amnesty Commission and the National Truth Commission. However, there is no mention of the Commission on the Political Dead and Missing Persons, which has either been practically dismantled or disregarded in the recent years of the previous administration. The report lacks detailed information regarding the number of cases under review for compensation claims, the number of approvals or denials, and a breakdown of data by year spanning from the establishment of these commissions until 2021. Furthermore, the Report Strengthening Democracy: monitoring the recommendations of the National Truth Commission (CNV), compiled by the Vladimir Herzog Institute, indicates that the recommendations of the National Truth Commission have not been fully implemented. Out of the 29 general recommendations, only 2 were fulfilled (7%), 6 were partially fulfilled (21%), 14 were not fulfilled (48%), and 7 experienced setbacks (24%). Additionally, all 13 recommendations concerning indigenous peoples are currently facing setbacks.²⁴

22 It should be noted that the National Truth Commission has officially recognized the occurrence of human rights violations, particularly during the military dictatorship, focusing on four specific types of misconduct: torture, killings, enforced disappearances, and the concealment of corpses. The Commission's findings acknowledge 191 deaths and 210 disappearances, with 33 individuals

²⁰ The fact that there is still no law in place to establish such Plan has led to 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, by Decree No. 10,815/2021, practically one change every four years.

²¹ See Technical Note issued by the Brazilian Committee of Human Rights Defenders (CBDDH) at <https://comiteddh.org.br/wp-content/uploads/2021/11/CBDDH-Nota-Tecnica-Decreto-10815-2021.pdf>

²² See www.trf4.jus.br/trf4/controlador.php?acao=noticia_visualizar&id_noticia=15831 e 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. For the rapporteuse's vote, visit 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

²³ See www.planalto.gov.br/ccivil_03/LEIS/L9807.htm

²⁴ See Report by the Vladimir Herzog Institute: available at https://vladimirherzog.org/?jet_download=33750

who were previously listed as disappeared later having their bodies located. Furthermore, the report identifies 337 public agents and individuals affiliated with the State as responsible for these human rights violations. The concern expressed in paragraph 18 of the CCPR's "Concluding Observations" regarding the absence of official investigations and the failure to determine direct responsibility for human rights violations committed during the dictatorship remains pertinent. The prevailing position is that the Amnesty Law (ADPF 153) exempts its agents from being held accountable for their actions.²⁵

23 The Brazilian State is still accountable for providing explanations regarding the actions of the country's government during the COVID-19 pandemic, particularly concerning reports of preventable deaths. This accountability is reinforced by the findings outlined in the Final Report²⁶ of the Parliamentary Inquiry Commission (CPI) of the Federal Senate, as well as the perspectives expressed by civil society²⁷. According to epidemiology researchers, there is a prevailing view that four out of every five deaths could have been prevented, further emphasizing the need for clarification and justification from the State.

24 The CCPR addresses this matter through a series of questions posed to the state, namely Questions 2, 10, 11, 12, 13, 14, and 15. In the response to *Question 2, which focuses on the fight against impunity and past human rights violations*, the State remains silent regarding the discontinuation of the Amnesty Commission and the denial of trials during the recent period. Furthermore, the State does not address the National Truth Commission or the limited implementation of its recommendations. The response also fails to provide any insight into the Amnesty Law. Turning to *Question 10, which pertains to the right to life*, the State offers only a general reference to the Jacarezinho incident, lacking concrete information and details about police operations in favelas that are prohibited by the Supreme Court's decision. The response remains vague and lacks specifics on measures taken to address police lethality. In relation to *Question 11, which also focuses on the right to life*, the State provides information on police violence limited to the year 2020, without comparative data for the period covered by the report. It fails to address mechanisms for monitoring police actions and does not provide information on victims, including relevant details on racial aspects, nor does it mention the case of João Pedro Matos Pinto. Regarding *Question 12, which addresses the right to life*, the State makes reference to the "Atlas of Violence" and offers a discourse on the right to life without providing specific information on homicides, including breakdowns by ethnicity, race, gender, and other requested data from the CCPR. The response remains silent on penalties for homophobia, compensation measures, and preventive actions. In response to *Question 13, which focuses on forced disappearances*, the State's response lacks clarity as it refers to providing information to the Committee²⁸ dealing with the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) but does not provide a direct and objective answer to the question at hand. Moving to *Question 14, which addresses the right to life*, the State presents information indicating the release of budget resources to municipalities and states but fails to

²⁵ See outcome of the judgment that took place in 2010 at

<https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=125515>

²⁶ See <https://legis.senado.leg.br/sdleg-getter/documento/download/72c805d3-888b-4228-8682-260175471243>

²⁷ See https://dhsaude.org/relatorio/denunciacao_document_english/

²⁸ See "Concluding Observations" CED:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FCO%2FBRA%2FCO%2F1&Lang=en

provide comprehensive information on all measures adopted, particularly those aimed at preventing "preventable deaths." The State claims that measures were tailored to each vulnerable group, mentioning barriers on indigenous lands, information booklets, immunization efforts, basic food baskets, among others, albeit in a non-specific manner when it comes to quilombolas. Emergency aid and references to specific actions before the Supreme Court, such as ADPFs 709 and 742, are mentioned. However, there is no mention of the vaccination delay, denialist actions, or the existence of the Parliamentary Commission of Inquiry (CPI) in the Federal Senate and its conclusions. Finally, in response to Question 15, which pertains to the right to life, the State fails to provide information on efforts to prevent and mitigate the impacts of climate change, environmental degradation, and carbon emissions on the right to life. There is no mention of deforestation in the Amazon or the legislation and measures adopted to address these critical issues, as the response appears to deviate from the topic at hand.

25 The Brazilian State addressed this matter in Question 27, which pertains to Human Rights Defenders (articles 6, 17, 19, 20, 21, 22, and 26). However, the response lacks information regarding the civic space and the work of human rights defenders. Although it mentions the Federal Program for the Protection of Human Rights Defenders and asserts its nationwide implementation, no specific details are provided. The response also mentions State Programs in Rio de Janeiro, Maranhão, Paraíba, Pará, Mato Grosso, Minas Gerais, Bahia, Pernambuco, Ceará, and Rio Grande do Sul, along with a table listing those included in each state (Annex I). Regarding budgetary aspects, the response includes a table displaying data from 2014 to 2021, but only for the federal government, lacking information on state counterparts. It is worth noting that the Brazilian State has recently faced legal rulings against it on this matter by national courts²⁹ and the Inter-American Court.

Article 7

26 The Third State Report merely acknowledges that information concerning this matter has been submitted to the Committee Against Torture (CAT). It is important to note that civil society has also presented numerous documents on this issue, which were deliberated upon during the 76th session of the CAT.³⁰ The concluding observations on Brazil resulting from this session have been recently published.³¹

27 The State has responded to *Question 16, which pertains to the prohibition of torture and other cruel, inhumane, and degrading treatment or punishment of individuals deprived of their liberty* (as outlined in articles 6, 7, and 10), as posed by the CCPR. The State acknowledges the establishment of the National Mechanism for the Prevention and Combat of Torture (MNPCT) and the National Committee for the Prevention and Combat of Torture (CNPCT). It references the disruption caused by Bolsonaro's Decree (No. 9.831/2019) to these mechanisms, but states that they are currently operating in full capacity due to a decision by the Supreme Court (STF).

²⁹ Decision by Tribunal Regional Federal da 4ª Região, see www.trf4.jus.br/trf4/controlador.php?acao=noticia_visualizar&id_noticia=15831 and the Inter-American Court see summary www.corteidh.or.cr/docs/casos/articulos/resumen_454_esp.pdf

³⁰ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2627&Lang=en. See especially the document the MNDH presented, along with other organizations, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FCSS%2FBRA%2F52420&Lang=en

³¹ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBRA%2FCO%2F2&Lang=en

However, there is no mention of the limited presence of state-level mechanisms. The State recognizes the existence of torture and police violence, emphasizing its disproportionate impact on black individuals, but provides data solely for the year 2019. Regarding the prison issue, it mentions the Judiciary's Prison Monitoring and Supervision Groups, but fails to provide data on the outcomes of their efforts.

Article 8

28 Paragraphs 93 to 100 of the Third State Report acknowledge the persistent existence of slave labor or practices similar to it and provide pertinent information on the measures in place to combat this issue, among other details. It is crucial to note that policies aimed at eradicating slave labor have been dismantled and discontinued during the previous administration, leading to a surge in new cases in 2023. According to data from the Labor Prosecutor's Office, a staggering 918 individuals were found to be subjected to degrading working conditions between January and March 20, 2023, marking the highest number for a first quarter in the past 15 years. The majority of these cases occurred in Rio Grande do Sul and Goiás. The Human Rights Commission of the Chamber of Deputies reports a significant increase in the number of cases, rising from 648 in 2017 to 2,575 in 2022.³²

29 The Brazilian State provided its response to the matter in Question 18, which pertains to the Elimination of Slavery, Servitude, and Human Trafficking (articles 2, 7, 8, and 26). In its response, the state broadly discusses the system implemented to combat slave labor and provides information on the 2021 budget allocated to the SIT/DETRAE. While the data regarding rescued workers are detailed, they are solely presented for the year 2021, without any comparative analysis across other years. The response addresses the access of rescued workers to Unemployment Insurance. However, it does not provide any information regarding human trafficking or the investigation, prosecution, or conviction of individuals involved in either slave labor or human trafficking.

Article 10

30 Paragraphs 143 to 162 of the Third State Report provide an analysis of the prison situation. However, the data presented, including those in response to the CCPR questions, are partial and lack a historical series, rendering comparisons unfeasible. Nevertheless, it is important to note that as of the conclusion of 2022, Brazil possessed the third largest incarcerated population globally. According to the National Justice Council (CNJ), the country recorded a total of 909,061 inmates, with 44.5% of them being held in pretrial detention, meaning they had not yet received a final conviction.³³ It is imperative to note that the approach taken to address COVID-19 within correctional facilities was deemed insufficient and inadequate.³⁴ The state has

³² For more information, see www.camara.leg.br/noticias/949504-brasil-bate-recorde-de-trabalho-escravo-e-deputados-sugerem-propostas-forca-tarefa-e-ate-cpi/ and also particularly the Conectas report available at www.conectas.org/publicacao/direitos-trabalhistas-e-protecao-social-no-brasil-lacunas-de-governanca/

³³ See www.cnj.jus.br/sistema-carcerario/

³⁴ See, among others, the article "Síndrome e cárcere no Brasil: descartabilidade dos corpos e a gestão dos indesejáveis no contexto da Covid-19" ("*Syndemics and Imprisonment in Brazil: Disposability of Bodies and the Management of the Undesirable in the Context of COVID-19*"), by Cristian de Oliveira Gamba (2021, pp. 77-102). Available at https://dhsaude.org/relatorio/documento_subsidio/

disregarded the proposals put forth by civil society, which advocate for a "decarceration agenda".³⁵

31 The Brazilian State provided a response to this matter in *Question 17, which pertains to the Freedom and Safety of Persons Deprived of their Liberty (articles 9 and 10)*. In its response, the state addresses the issue of the overcrowded prison population, acknowledges the Argument of Violation of Fundamental Rights at the Supreme Court (ADPF No. 347) and the corresponding report from the National Council of Justice (CNJ). It discusses the use of video calls for custody hearings during the pandemic and outlines the measures implemented to mitigate the impacts of COVID-19. While it provides data on deaths, the information is limited to June 2022 without any comparative analysis across different periods. Additionally, the state mentions alternative sentencing but fails to provide an evaluation of its effectiveness.

Article 13

32 In response to Question 19, which pertains to the Handling of Foreigners, including Migrants, Refugees, and Asylum Seekers (articles 7, 9, 12, 13, and 24), the state offers details regarding asylum and refugee programs, as well as other relevant data on migrants and refugees. It acknowledges the implementation of restrictive measures during the pandemic; however, this information is presented in a non-analytical manner, referring only to a list of actions provided in Annex I.

Article 14

33 Paragraphs 183 and 185 of the Third State Report address the topic of democratizing access to justice, highlighting measures taken to modernize the Brazilian judicial system. However, there is a lack of specific information concerning the limitations in accessing justice, particularly for the most economically disadvantaged populations. Additionally, other important aspects related to this issue are not adequately addressed, which have led to the considerations and recommendations outlined in paragraph 17 of the CCPR's "Concluding Observations".

34 The CCPR addresses this topic through three questions posed to the State (Questions 1, 20, and 21). In the response to *Question 1 regarding Measures Against Corruption (articles 2 and 25)*, there is a notable omission of Judge Moro's impartiality convictions, as well as the overturning of several lower court decisions related to Operation Lava Jato convictions. In the response to *Question 20 concerning Access to Justice, Independence of the Judiciary, and Fair Trial (articles 2 and 14)*, the State acknowledges racial inequalities within the judicial system but fails to provide detailed information. It briefly mentions CNJ Resolution No. 287/2019 regarding indigenous peoples but lacks further elaboration. There is no mention of the Federal Supreme Court's decision equating racial slurs with racism (HC 154248)³⁶. The response mentions "actions for new research on the situation of blacks in justice" and "Justice 4.0" without providing additional information. Regarding pandemic-related restrictions such as limited contact with lawyers and delays or cancellations of hearings, the State refers to a report from the Public Defender's Office of Rio de Janeiro, but neglects to address other states or the country as a whole.

³⁵ See <https://desencarceramento.org.br/>

³⁶ More information at <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=475646&ori=1>

In the response to *Question 21 regarding Access to Justice, Independence of the Judiciary, and Fair Trial (articles 2 and 14)*, there is no mention of the independence of justice system members, including judges, lawyers, and prosecutors. There is no discussion of the persecution of lawyers, such as in cases involving Lula's legal representatives and others. The response also fails to address attacks on the Judiciary by high-ranking authorities, limiting itself to discussing the independence of the Electoral Justice, which was not explicitly addressed in the question.

Article 17

35 The Brazilian State addressed this issue in response to two questions (22 and 23). In the response to *Question 22 regarding The Right to Privacy (art. 17)*, the State focuses on forced evictions, particularly those affecting indigenous peoples. However, it only reports on two cases related to indigenous peoples and provides no information on other evictions. There is a lack of information on evictions carried out during the pandemic and on actions taken to protect populations in occupied areas.³⁷ Additionally, there is no mention of evictions related to the preparation for the 2016 Olympics, nor any information³⁸ on resettlement or compensation efforts. In the response to *Question 23 concerning The Right to Privacy (art. 17)*, the State's explanation is limited to the provisions outlined in Law No. 13.709/2018 regarding data protection. Notably, there is no mention of data related to the COVID-19 period.

Articles 18, 19 and 20

36 Paragraphs 216 to 226 of the Third State Report acknowledge the presence of religious intolerance, particularly targeting religious expressions rooted in African heritage, and highlight attacks on the secular nature of the State. In recent years, there has been a rise in assaults on freedom of information, primarily through disinformation campaigns, the widespread dissemination of fake news, hate speech, and the exploitation of freedom of expression to target adversaries or critics. Investigative procedures are currently underway at the Federal Supreme Court (Inquest No. 4781³⁹) and the Federal Police, including investigations into the former President of the Republic himself, for promoting these practices and even for alleged coup-like actions by ultra-conservative groups against the outcome of the 2022 elections. Bill No. 2.630/2020⁴⁰ which aims to regulate digital platforms, is facing opposition from conservative factions seeking to obstruct its approval at all costs.

37 The State addressed this matter in response to two inquiries (24 and 25). In the response to *Question 24. Freedom of Conscience and Religious Belief (articles 2, 18, and 26)*, the State acknowledges the lack of practical implementation of alternative service to military duty and notes a Federal Supreme Court (STF) decision that grants automatic exemption from compulsory military service to individuals claiming conscientious objection. While it acknowledges the existence of regulations to penalize high-ranking officials for religious discrimination, it remains silent on attacks targeting places of worship associated with African heritage religions and fails

³⁷ STF Ruling on ADPF No 828 and the actions of the “Zero Evictions” Campaign: www.campanhadespejozero.org/.

³⁸ See dossier of the Popular Committee for the Rio de Janeiro World Cup and Olympics, available at <https://comitepopulario.files.wordpress.com/2012/04/dossic3aa-megaeventos-e-violac3a7c3b5es-dos-direitos-humanos-no-rio-de-janeiro.pdf>

³⁹ See <https://portal.stf.jus.br/processos/detalhe.asp?incidente=5651823>

⁴⁰ See www.camara.leg.br/propostas-legislativas/2256735

to address attacks on religious minorities. In the response to *Question 25. Freedom of Expression (articles 19 and 20)*, the State discusses instances of harassment against journalists, including those involving public officials in positions of authority, particularly in relation to critical coverage of the government's response to COVID-19. However, it provides no details regarding measures taken to combat misinformation, specifically with regard to Bill No. 2.630/2020, providing only a brief update on its status and referring to a summary in Appendix I.

Articles 21 and 22

38 Paragraphs 228 to 239 of the Third State Report address these fundamental rights in the context of bolstering civil society action. Numerous instances of violence against protesters⁴¹, the shrinking of democratic spaces⁴², and the misuse of legislation for framing individuals as criminals (such as the Criminal Organizations Law No. 12.850/2013⁴³ and the recently repealed National Security Law) have been documented. Notably, the use of the National Security Law increased by 285% during the Bolsonaro administration⁴⁴. Additionally, there is concern surrounding proposed reforms to the Anti-Terrorism Law (Law No. 13.260/1016)⁴⁵, with over 20 bills currently under consideration. These proposals largely seek to classify the activities of social movements and organizations as acts of terrorism, with particular attention drawn to the disconcerting Bill No. 1.595/2019⁴⁶.

39 The State addressed this matter in response to two inquiries (7 and 26). In relation to *Question 7 on Measures against Terrorism (articles 2, 4, 7, 9, 14, 15, 17, and 21)*, the State provided an extensive discussion concerning Bills No. 272/2016 and No. 1.595/2019. Notably, it expressed a favorable stance towards the latter, dedicating six paragraphs to its defense, while indicating that its short-term approval is unlikely. Moreover, the State emphasized the harmony between the provisions of Law No. 13.260/2016 and international treaties. Regarding *Question 26 on Freedom of Association and Assembly (articles 21 and 22)*, the State's response did not provide specific information as requested in the question. It merely referenced the PNDH-3's remarks on police ombudsmen. Regrettably, there was no mention of instances of violent police actions during the suppression of protests, including the June 2013 demonstrations, incidents in Amapá in 2020, indigenous protests in Brasília in 2021, among others. Furthermore, no information was provided regarding cases involving Deborah Fabri, Sergio Silva, Edvaldo Alves, Elisa Quadros Pinto Sanzi, and Janice Ferreira da Silva. Additionally, no details were given concerning the limitations imposed on union activities due to restrictions imposed by government labor agencies.

40 The assault on Brazilian social organizations persists, and the Brazilian Parliament has recently initiated a Parliamentary Commission of Inquiry (CPI)⁴⁷ targeting the Landless Workers

⁴¹ See <https://comiteddh.org.br/wp-content/uploads/2020/12/Dossie-Vidas-em-Luta.pdf>

⁴² Source https://artigo19.org/wp-content/blogs.dir/24/files/2021/02/ARTIGO-19_Consulta-Espaco-Civico-Brasil-FINAL.pdf

⁴³ See www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/112850.htm

⁴⁴ PF inquests based on the National Security Law grew 285% in Bolsonaro's government. March 19, 2021. Available at: <https://politica.estadao.com.br/noticias/geral/inqueritos-da-pf-com-base-na-lei-de-seguranca-nacional-crescem-285-no-governo-bolsonaro.70003652910>

⁴⁵ See www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/113260.htm

⁴⁶ See www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2194587

⁴⁷ More information see www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-temporarias/parlamentar-de-inquerito/57a-legislatura/cpi-sobre-o-movimento-dos-trabalhadores-sem-terra-mst and see www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=2244324&filename=RCP%203/2023

Movement (MST). This investigation lacks specific substantiated allegations, relying instead on broad political justifications, and will be led by extreme-right parliamentarians.

41 The seventh edition of the “Global Rights Index” of the International Trade Union Confederation (ITUC) shows that the level of violation of rights in 2020 was the highest in seven years. The rights of the most weakened workers in the world are the right to strike, to bargain collectively, to establish or register with unions, to carry out union activities and other rights related to civil liberties: access to justice, arrests, arrests and arbitrary arrests. Brazil is among the ten worst countries for workers in 2020, and the Americas (25 countries) have become the deadliest continent for workers: in 64% of countries, they are excluded from the right to form or register with a union; in 68% of the countries, the right to collective bargaining was weakened; and in 18 of the 25 countries, the right to strike has been weakened.⁴⁸

Article 25

42 The state addressed this matter in response to Question 28. Participation in Public Affairs (articles 25 and 26). Regarding political violence in the 2020 municipal elections, no specific data is provided. Concerning the adopted protective measures, reference is made to Law No. 14,192/2021, which classifies gender violence as an electoral crime. The state informs that the case related to Marielle Franco is nearing judgment by the Grand Jury, while the detailed proceedings are conducted under secrecy of justice, thereby limiting the availability of specific information. Furthermore, there is no mention of sanctions or compensation for the victims.

Article 26

43 The Brazilian State addressed this matter in response to two questions (3 and 4). In the answer to *Question 3. Non-discrimination (articles 2, 19, 20, and 26)*, the State provides a list of legislation but fails to provide information on other measures or their adequacy, despite the general commitment mentioned in paragraph 17. Additionally, there is an outstanding report on discrimination during the pandemic, particularly against indigenous people, quilombolas, and black individuals. In the answer to *Question 4. Non-discrimination (articles 2, 19, 20, and 26)*, the State categorically denies the existence of hate speech, even in the statements of high-ranking officials, which contradicts the prevailing reality. The mentioned educational action consists solely of an online course on ethnic-racial policies (2021), and no information is provided regarding political discontinuities or the dissolution of the Committee on Religious Diversity and other relevant initiatives on this subject matter.

Article 27

44 The Brazilian State addressed this matter in response to two questions (29 and 30). In the answer to *Question 29. Minority Rights (articles 1 and 27)*, regarding the demarcation of indigenous lands, the State discusses the procedure outlined in Decree No. 1.775/1996 and the responsibilities of FUNAI. It mentions the ongoing processing of Constitutional Amendment Proposal (PEC) No. 187/2016 in Congress, which pertains to authorizing mining and commercial agriculture in indigenous lands. There is a reference to the "time frame" being handled by the

⁴⁸ See www.ituc-csi.org/IMG/pdf/ituc_globalrightsindex_2020_en.pdf

STF, but no mention of the Executive Branch's position expressed in the Attorney General's Office Opinion (Normative Opinion 001/2017/GAB/CGU/AGU)⁴⁹. Bill Project No. 490/2007 was urgently approved by Parliament and puts the lives of indigenous peoples at risk.⁵⁰ In the answer to *Question 30. Minority Rights (articles 1 and 27)*, the State acknowledges FUNAI's responsibilities but fails to mention the agency's dismantling. It defers the responsibilities concerning Draft Legislative Decree (PDL) No. 177/2021, which authorizes the Executive Branch to denounce ILO Convention No. 169, to the National Congress. Additionally, the State provides a list of measures taken to assist indigenous peoples during the COVID-19 pandemic, without mentioning that these measures were mandated by the STF's decision.⁵¹

SUGGESTED RECOMMENDATIONS

45 Based on the information compiled in this document, we propose that the CCPR put forth the following recommendations to the Brazilian State:

46 Recommendation 1: We advise the State Party to enact suitable national legislation that mandates the federated units (States and Municipalities) to uphold their international human rights obligations;

47 Recommendation 2: We recommend that the State Party takes necessary measures to expedite the demarcation of indigenous lands promptly and without imposing time limitations, while considering the inherent rights of indigenous peoples;

48 Recommendation 3: We recommend that the State Party establishes favorable conditions to expedite the process of demarcating indigenous lands as swiftly as possible and without imposing temporal limitations, while duly considering the inherent rights of indigenous peoples;

49 Recommendation 4: We recommend that the State Party ensures the recognition and titling of lands claimed by all traditional peoples and communities that have already been acknowledged, as well as those currently undergoing the recognition process, in accordance with the provisions outlined in Federal Decree No. 6.040/2007;

50 Recommendation 5: We recommend that the State Party establishes the necessary mechanisms and creates favorable conditions for the full and widespread implementation of ILO Convention 169 throughout the country;

⁴⁹ To access the Normative Opinion, visit www.planalto.gov.br/ccivil_03/AGU/PRC-GMF-05-2017.htm. See Technical Note criticizing it made by the Federal Public Ministry (Technical Note No. 02 /2018-6CCR).

⁵⁰ See www.camara.leg.br/noticias/965416-camara-aprova-urgencia-para-marco-temporal-na-demarcacao-de-terras-indigenas

⁵¹ See ADPF n° 742 (quilombolas): <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=468449&ori=1> and ADPF n° 709 (indigenous) <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=447103&ori=1&fbclid=IwAR0u7U7hRYymnaNDOo6hYn1A1oqQ7gE16m0vE8t6OZXp3Qvfus3hm0702hA>

- 51 Recommendation 6: We recommend that the State Party takes all requisite measures to put an end to extrajudicial killings, abuses, and crimes perpetrated by law enforcement authorities. This includes advocating for the demilitarization of the police, discontinuation of Military Justice for offenses against civilians, enhancement of external oversight over police operations, reinforcement of Police Ombudsmen and Internal Affairs offices, with the aim of significantly reducing violence perpetrated by law enforcement authorities;
- 52 Recommendation 7: We urge the State Party to ensure the independence of judiciary agents and, most importantly, to hold all individuals engaging in lawfare accountable through appropriate measures and due punishment;
- 53 Recommendation 8: We recommend that the State Party ensures that all workers are provided with decent working conditions and takes decisive actions to eradicate slavery-like labor, as well as all forms of forced and degrading labor. This should involve strengthening penal sanctions, including the possibility of expropriating assets in cases where slavery-like labor is identified, as part of holding companies accountable for their responsibilities towards human rights;
- 54 Recommendation 9: We recommend that the State Party takes immediate measures to reduce the prison population, specifically through the implementation of "decarceration" strategies. This should include efforts to minimize excessive pre-trial detention, enhance the conditions within prison environments, and facilitate opportunities for sentence remission and the successful social reintegration of inmates;
- 55 Recommendation 10: We recommend that the State Party takes significant strides towards establishing a framework for accountability regarding human rights violations committed during the civil-military dictatorship. This should involve a comprehensive review of the Amnesty Law, bolstering the operations of the Amnesty Commission and the Commission on the Political Dead and Missing Persons. Furthermore, it is crucial to prioritize the implementation of the recommendations set forth by the National Truth Commission (CNV);
- 56 Recommendation 11: It is imperative that the State Party ensures strict accountability for authorities who, during the COVID-19 pandemic, may have displayed negligence or hindered the essential protection of the population, resulting in a significant number of "avoidable deaths." This should encompass providing reparations to the victims and their families, with special attention given to the protection and support of the vulnerable group known as "COVID orphans";
- 57 Recommendation 12: It is crucial that the State Party strengthens the institutional framework for the prevention and eradication of torture, as well as all forms of cruel, inhuman, or degrading treatment. Special attention should be given to bolstering the effectiveness of the National Mechanism for the Prevention and Combat of Torture (MNPCT) and the National Committee for the Prevention and Combat of Torture (CNPCT). Furthermore, proactive measures should be taken to ensure the implementation of this institutional framework across all states of the Federation;

- 58 Recommendation 13: The State Party should prioritize the recovery and strengthening of spaces for participation and social control, including councils, committees, and other relevant mechanisms. It is imperative to guarantee the widest possible and independent participation of civil society organizations, ensuring their meaningful involvement in decision-making processes. By enhancing these participatory structures, the State can foster transparency, accountability, and effective collaboration between government institutions and civil society stakeholders;
- 59 Recommendation 14: The State Party should ensure the protection of all social organizations and movements, allowing them to actively engage in the country's social and political sphere with the utmost independence. It is essential to prevent their unwarranted inclusion within anti-terrorist legislation or any measures that may impede their legitimate activities. By safeguarding the rights and freedoms of these organizations, the State can foster a vibrant and inclusive civil society that contributes to the democratic fabric of the nation;
- 60 Recommendation 15: The State Party should proactively undertake measures to eliminate hate speech, discriminatory practices, and racism in all its forms. This includes an imperative to broaden both civil and criminal accountability mechanisms. By doing so, the State can create an environment that fosters inclusivity, equality, and respect for human rights, thus reinforcing its commitment to combating all manifestations of discrimination within society;
- 61 Recommendation 16: The State Party should actively pursue essential measures to combat all forms of misinformation and the political manipulation of social media platforms that undermine democratic coexistence and impede the flourishing of plurality. By addressing these challenges head-on, the State can uphold the principles of transparency, integrity, and informed public discourse, thereby ensuring a robust democratic environment that fosters open dialogue and respects the rights of all citizens;
- 62 Recommendation 17: The State Party is encouraged to formalize a comprehensive Policy for the Protection of Human Rights Defenders, ensuring stability and providing optimal conditions for their work. Moreover, it is advisable to expand the implementation of Protection Programs across as many federal units (States) as feasible. By doing so, the State can enhance the safety and well-being of human rights defenders, enabling them to continue their invaluable efforts in upholding and promoting human rights throughout the nation;
- 63 Recommendation 18: It is recommended that the State Party actively promotes the strengthening of the Program for the Protection of Threatened Victims and Witnesses (Provita), and further seeks to expand and implement this program across as many federal units (States) as feasible. By doing so, the State can enhance its ability to effectively safeguard and support individuals who are at risk or facing threats due to their involvement in legal proceedings as victims or witnesses;
- 64 Recommendation 19: It is recommended that the State Party takes proactive measures to facilitate and establish optimal conditions for the accreditation of the National Council for Human Rights (CNDH) as a National Human Rights Institution at the United Nations. By ensuring the necessary support and resources for the accreditation process, the State can strengthen the CNDH's role and effectiveness in upholding human rights standards and fulfilling its responsibilities at the international level;

- 65 Recommendation 20: It is recommended that the State Party establishes a comprehensive public system, inclusive of robust civil society participation, to effectively monitor and track the recommendations put forth by various international human rights mechanisms, both at global and regional levels. Additionally, the State should prioritize the regular and punctual submission of Conventional Reports, ensuring timely compliance with reporting obligations and fostering transparency and accountability in the promotion and protection of human rights;
- 66 Recommendation 21: It is recommended that the State Party takes significant strides in the implementation of the National Human Rights Program (NHRP-3), while also fostering an assessment of its efficacy and, if required, undertaking necessary revisions with the active and inclusive engagement of civil society stakeholders;
- 67 Recommendation 22: It is recommended that the State Party endeavors to promote the establishment of comprehensive reparation policies for victims of grave human rights violations, encompassing the provision of appropriate procedures for thorough investigation and accountability.

Brazil, May 2023.

Movimento Nacional de Direitos Humanos (MNDH)

Support...

Articulação para o Monitoramento dos Direitos Humanos no Brasil – AMDH
Associação Brasileira de Organizações Não Governamentais – Abong
Centro de defesa da Criança e do Adolescente Padre Marcos Passerini
Centro de Defesa da Vida e dos Direitos Humanos Carmen Bascarán
Centro de Defesa dos Direitos Humanos Zumbi dos Palmares
Centro de Direitos Humanos de Cristalândia Dom Heriberto Hermes – CDHC
Centro de Direitos Humanos Maria da Graça Braz de Joinville
Centro de Direitos Humanos e Educação Popular de Campo Limpo – CDHEP
Centro de Estudos, Pesquisa e Direitos Humanos de Caxias do Sul
Centro de Promoção da Cidadania e Defesa dos Direitos Humanos Padre Josimo
Centro Dom Helder Câmara de Estudos e Ação Social – CENDHEC
Coletivo Feminino Plural
Comissão de Direitos Humanos de Passo Fundo – CDHPF
Comissão Regional Justiça e Paz do Mato Grosso do Sul – CRJPMS
Conselho Indigenista Missionário – CIMI
Fórum Ecumênico ACT Brasil – FE ACT BRASIL
Fórum dos Direitos Humanos e da Terra do Mato Grosso – FDHT
Fundação de Defesa dos Direitos Humanos Margarida Maria Alves – FDDH-MMA
Fundação Luterana de Diaconia – FLD
Grupo Tortura Nunca Mais – GTNM Bahia
Instituto de Acesso à Justiça – IAJ
Instituto Braços Centro de Defesa dos Direitos Humanos em Sergipe
Instituto de Desenvolvimento e Direitos Humanos – IDDH
Instituto de Direitos Humanos, Econômicos, Sociais, Ambientais e Culturais – IDhESCA
Processo de Articulação e Diálogo entre Agências Ecumênicas Europeias e Parceiros Brasileiros – PAD
Rede Esperança Garcia de Proteção a Defensores e Defensoras dos Direitos Humanos no PI
Serviço de Paz – SERPAZ
Sociedade Maranhense de Direitos Humanos – SMDH
Solidariedade de Londrina