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## **Brazil**

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The United Nations country team indicated that no progress had been made in completely adhering to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Protocol to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29). Regarding the Indigenous and Tribal Peoples Convention, 1989 (No. 169), a bill authorizing the President to denounce it was presented in April 2021. The country team also reported that none of the recommendations related to the International Criminal Court had been implemented.<sup>2</sup> The Special Rapporteur on the implication for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Brazil ratify the ILO conventions on occupational safety and health.<sup>3</sup>

3. During the reporting period, Brazil received visits of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2022.<sup>4</sup> It also received visits of the Independent Expert on the enjoyment of human rights by persons with albinism, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members, in 2019.<sup>5</sup>

4. Brazil contributed financially to the Office of the United Nations High Commissioner for Human Rights in 2021.<sup>6</sup>



### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

5. The Committee on Enforced Disappearances considered that the legislation in force in Brazil for preventing and punishing enforced disappearances, for guaranteeing the rights of victims and for ensuring the performance of certain authorities was not in full compliance with the Convention.<sup>7</sup> The Committee called upon Brazil to take all measures necessary to guarantee the immediate processing of and timely follow-up to its communications regarding the transmitted request for urgent action.<sup>8</sup> Furthermore, it recommended that Brazil speed up the adoption of an autonomous offence of enforced disappearance.<sup>9</sup> The Committee also recommended that Brazil take the measures necessary to explicitly recognize enforced disappearance as a crime against humanity in its domestic legislation.<sup>10</sup>

#### **2. Institutional infrastructure and policy measures**

6. The United Nations country team reported that Brazil did not have a national human rights institution in accordance with the Paris Principles. It also noted that the administrative independence of the National Council for Human Rights could be strengthened. The Committee on Enforced Disappearances requested Brazil to provide information on measures taken to ensure that the Council was fully compliant with the Paris Principles.<sup>11</sup> The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Brazil align the National Council for Human Rights with the Paris Principles.<sup>12</sup> The Independent Expert on the enjoyment of human rights by persons with albinism made a similar recommendation.<sup>13</sup>

7. The Subcommittee on Prevention of Torture welcomed the decision by the Supreme Court of Brazil to invalidate the presidential decree that would have dismantled the national mechanism to prevent torture. The Subcommittee called upon the Brazilian authorities to implement the decision immediately so that the mechanism could resume and further strengthen its preventive work without delay.<sup>14</sup> The United Nations country team also underlined the need for the national preventive mechanism to be strengthened by ensuring financial, human and technical resources to the experts.<sup>15</sup> In 2022, the Subcommittee reiterated the need for Brazil to respect its international human rights obligations and strengthen its torture prevention system.<sup>16</sup> The Committee on the Elimination of All Forms of Racial Discrimination expressed a similar concern regarding the dismantlement of the National Indian Foundation.<sup>17</sup>

### **IV. Promotion and protection of human rights**

#### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Equality and non-discrimination**

8. The United Nations High Commissioner for Human Rights stated that the structural racism, discrimination and violence that people of African descent faced in Brazil was documented by official data. She added that, to overcome that situation, urgent reforms of laws, institutions and policies were needed.<sup>18</sup> The United Nations country team reinforced the importance of comprehensive policies that confront racism and aggravated discrimination, recalling the need to comply with the recommendations presented by the Commission of Legal Experts, created in 2020 to examine all Brazilian legislation against racism.<sup>19</sup> The Committee on Enforced Disappearances recommended that Brazil redouble its efforts to tackle discrimination against certain targeted vulnerable groups as a means for preventing their disappearance and ensuring full access to their right to justice.<sup>20</sup>

9. The Independent Expert on the enjoyment of human rights by persons with albinism noted that many people with albinism were some of the most marginalized persons in the country, enduring multiple and intersecting discrimination within their immediate

community and in society at large, and that further steps needed to be taken nationwide to promote equality and non-discrimination.<sup>21</sup>

## **2. Right to life, liberty and security of person, and freedom from torture**

10. In her global update to the Human Rights Council in 2018, the High Commissioner for Human Rights expressed concern about the adoption of a decree that gave the armed forces authority to fight crime in the State of Rio de Janeiro and placed the police under an army command. She urged the Government to ensure that security measures respected human rights standards and to take effective measures to prevent racial profiling and the criminalization of the poor.<sup>22</sup>

11. The High Commissioner for Human Rights was deeply disturbed by the killing of at least 25 people in a police operation in Rio de Janeiro in 2021. She highlighted a long-standing trend of unnecessary and disproportionate use of force by police in the country's poor, marginalized and predominantly Afro-Brazilian neighbourhoods, known as favelas. She reminded the Brazilian authorities that the use of force should be applied only when strictly necessary and that they should always respect the principles of legality, precaution, necessity and proportionality. She called upon the Office of the Prosecutor to conduct an independent, thorough and impartial investigation into the incident, in accordance with international standards.<sup>23</sup>

12. Several special procedure mandate holders were alarmed by the killing, in 2018, of a prominent Afro-Brazilian human rights defender who decried the military use of force in Rio de Janeiro. They called for a prompt and impartial investigation of the killing.<sup>24</sup> OHCHR also condemned the murder.<sup>25</sup> At the first anniversary of that killing, several special procedure mandate holders from the United Nations and the Inter-American Commission for Human Rights recalled that Brazil must bring the killers to justice and ensure a thorough, independent and impartial investigation.<sup>26</sup>

13. The Subcommittee on Prevention of Torture indicated that Brazil had the third-largest population of people deprived of liberty in the world, many of whom were in overcrowded prisons. It also noted that there were frequent reports of torture, ill-treatment and substandard detention conditions.<sup>27</sup> On the basis of information from Fórum Brasileiro de Segurança Pública, the United Nations country team underlined the tendency of the incarceration rate to increase, resulting in overcrowding, poor health conditions and human rights violations. People of African descent were disproportionately represented among people deprived of liberty.<sup>28</sup> The High Commissioner for Human Rights expressed a similar concern.<sup>29</sup> The Committee on Enforced Disappearances recommended that Brazil ensure that all instances of deprivation of liberty were entered in official registers and/or records that were filled out and updated promptly and accurately and were subject to periodic checks.<sup>30</sup>

14. The United Nations country team reported that the coronavirus disease (COVID-19) pandemic had suspended, in some cases, family visits to prisons and detention control hearings, thereby hindering torture prevention and potentially having left cases of ill-treatment unmonitored. The country team expressed concern that such temporary measures could become permanent, particularly the implementation of hearings by videoconference.<sup>31</sup>

15. The Committee on Enforced Disappearances welcomed the establishment of the National Policy for the Search of Disappeared Persons and the National Registry for Disappeared Persons. The Committee was, however, concerned about recent allegations of enforced disappearance, mostly against people of African descent and people living in slums or on the peripheries of big cities. The Committee recommended that Brazil redouble its efforts to tackle discrimination against targeted vulnerable groups as a means for preventing enforced disappearance.<sup>32</sup>

## **3. Human rights and counter-terrorism**

16. On the basis of information from OHCHR, the United Nations country team reported that bill No. 1595 of 2019 regulated "counterterrorist actions" with vague definitions and proposed integrated actions between the police, the military and intelligence units. The bill also reduced accountability and explicitly assimilated activities of social movements to terrorism.<sup>33</sup>

#### **4. Administration of justice, including impunity, and the rule of law**

17. On the basis of information from the National Council of Justice, the United Nations country team reported that only 31.5 per cent of homicide cases were solved by the judiciary and only 20 per cent of judicial districts could provide free legal assistance.<sup>34</sup> The country team noted receiving reports of poor access to justice, lack of accountability and generally unsafe conditions for human rights defenders. Death threats and intimidation endangered entire communities that denounced human rights violations.<sup>35</sup>

18. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Brazil expand government programmes for the prevention and investigation of threats, attacks and killings, and conduct robust investigations into and prosecutions of those who threaten, attack or kill human rights defenders, in order to address the apparent impunity among perpetrators.<sup>36</sup>

19. The Special Rapporteur on the independence of judges and lawyers was alarmed by the apparent strategy by certain prosecutors and judges to intimidate lawyers for doing their jobs, particularly when lawyers are defending politicians. The Special Rapporteur called upon the Brazilian authorities to adopt all appropriate measures to ensure that lawyers were able to perform their professional functions without intimidation, hindrance, harassment or improper interference. He also considered it necessary for judges to refrain from any political activity that might compromise their independence or jeopardize the appearance of impartiality.<sup>37</sup>

20. The Committee on Enforced Disappearances noted the affirmation of Brazil that the existing legal framework ruled out military jurisdiction for cases of enforced disappearance. However, it observed that, under certain conditions specified in a law, jurisdiction was transferred from civil to military courts in cases of intentional crimes against life committed by military personnel against civilians. The Committee recommended that Brazil swiftly take the measures necessary to ensure that the investigation and prosecution of cases of enforced disappearance was expressly excluded from the competence of military courts.<sup>38</sup> The Special Rapporteur on extrajudicial, summary or arbitrary executions expressed concern at the militarization of policing operations in Brazil and at national legislation making possible for military courts to investigate and try intentional killings of civilians committed by agents of the armed forces.<sup>39</sup>

21. The Committee on Enforced Disappearances welcomed the creation of the National Truth Commission and of the Special Commission on Political Deaths and Disappearances. However, it was concerned about reports regarding the lack of accountability for such cases of enforced disappearance, mainly due to the application of the Amnesty Law. The Committee recommended that Brazil remove any legal impediments to the investigations into enforced disappearances perpetrated during the military regime that had not yet ceased, in particular with respect to the application of the Amnesty Law.<sup>40</sup>

22. The Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members reported that, notwithstanding de jure equality, de facto discrimination endured in institutionalized practices and interpersonal social relations. The Special Rapporteur recommended that the Government enforce access to justice and human rights literacy for persons affected by Hansen's disease and ensure equitable access to local legal aid, accompanied by training of public defenders and judicial staff on issues related to Hansen's disease.<sup>41</sup>

#### **5. Fundamental freedoms and the right to participate in public and political life**

23. The Special Rapporteur on the situation of human rights defenders and the United Nations country team indicated that, between 2015 and 2019, Brazil was the second most dangerous country for human rights defenders.<sup>42</sup> The Special Rapporteur on the rights to freedom of peaceful assembly and of association stated that human rights defenders faced a violent environment marked by stigmatization, threats, harassment, physical attacks and killings.<sup>43</sup>

24. The United Nations country team expressed concern that the national protection programme for human rights defenders faced problems, with challenges including determining risk assessment and protection measures sensitive to race, gender and ethnicity.<sup>44</sup>

25. The Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern about restrictions on Brazilians' rights to full and active social and political participation, and the appalling levels of violence directed against human rights defenders, women journalists, indigenous peoples and traditional communities, in particular of African descent. He urged Brazil to create and maintain a safe and enabling environment that was conducive to the exercise of the rights to peaceful assembly and association. He also expressed concern that, in recent years, there had been emerging trends limiting the enjoyment of those rights, and he deplored policies restricting social and political participation, limiting spaces for consultation concerning public policies and decision-making. He recommended that the Government of Brazil take measures so that traditional communities were free from the fear of persecution and enjoyed the right to gather and organize themselves freely to build up autonomous decision-making processes.<sup>45</sup>

26. The Special Rapporteur on the rights to freedom of peaceful assembly and of association was also concerned about the frequent excessive use of force by law enforcement officials and human rights violations during protests. He said political violence against social leaders, candidates and politically elected leaders posed a serious threat to political participation and democracy.<sup>46</sup> The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Brazil decriminalize and secure the release of civil society actors, secure public participation in all areas of governance and engage in meaningful dialogue with civil society representatives.<sup>47</sup> The Independent Expert on the enjoyment of human rights by persons with albinism recommended that Brazil create an enabling environment for civil society organizations.<sup>48</sup> The Committee on Enforced Disappearances regretted the statements made by Brazil during the dialogue with the Committee questioning the credibility and quality of the reports submitted by civil society actors. It encouraged Brazil to guarantee that all State agents engaged constructively with civil society actors.<sup>49</sup>

27. UNESCO reported the killing of 47 journalists from 2006 to February 2022; nine of those cases had been solved judicially. UNESCO also noted the publication of a report on the status of those investigations by the Office of the National Council of Public Prosecutors.<sup>50</sup> UNESCO recommended that Brazil strengthen the investigation of cases of journalists killed and voluntarily report on the status of the judicial follow-up.<sup>51</sup> The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on freedom of expression of the Inter-American Commission on Human Rights indicated that journalists who investigated cases of corruption or improper actions by public authorities should not be subjected to judicial or any other types of harassment in retaliation for their work. They also noted that authorities should refrain from prosecuting journalists based on generic or disproportionate charges that criminalized the circulation of information of public interest, which was protected by the right to freedom of expression.<sup>52</sup>

28. UNESCO recommended that Brazil decriminalize defamation and place it within a civil code, and establish independent oversight institutions aimed at implementing the law on access to information, in accordance with international standards.<sup>53</sup>

29. On the basis of data from the Superior Electoral Court, the United Nations country team reported that, despite representing more than 51.8 per cent of the population and more than 52 per cent of the Brazilian electorate, women were still a minority in politics. The country team highlighted that defamation and threats against women were central to the political violence that affected women's participation. In the judiciary branch, there was a wider gap with regard to gender equality.<sup>54</sup>

## **6. Right to privacy**

30. UNESCO reported on the establishment of the Brazilian data protection authority in 2021.<sup>55</sup>

## **7. Right to marriage and family life**

31. UNESCO reported that Law No. 13811 (2019) set the minimum age of marriage for girls at 18 years, but marriage was permissible from the age of 16 with the authorization of both parents or the legal representatives of the child. In addition, the law set the minimum age of employment at 16. However, that was not aligned with the end of compulsory education, which was at 17.<sup>56</sup> UNESCO recommended that Brazil set the absolute minimum age of marriage for both girls and boys at 18 to ensure the protection of girls' right to education.<sup>57</sup>

32. Noting that some 16,000 children affected by Hansen's disease were separated from their parents and sent to institutions between 1923 and 1986, in line with the State's forced segregation policy that was in force during that period, the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members stated that Brazil had a unique opportunity to recognize their right to reparations. She added that Brazil had a duty to offer reparations as well as an apology and to facilitate memorialization and rehabilitation processes.<sup>58</sup>

## **8. Prohibition of all forms of slavery, including trafficking in persons**

33. The United Nations country team highlighted that Brazil had adopted the third national plan to combat human trafficking in 2018, which was in line with its existing anti-trafficking law and national policy. However, the country team noted that anti-trafficking legislation still lacked provisions criminalizing child sex trafficking without elements of force, fraud or coercion.<sup>59</sup>

34. Two special procedure mandate holders called upon the Government of Brazil to take urgent action to halt measures that could reduce people's protection against slavery and weaken corporate regulations. The Special Rapporteur on contemporary forms of slavery indicated that a number of developments were causing concern, including ministerial order No. 1129, which narrowed the definition of contemporary slavery and could reduce the number of victims detected.<sup>60</sup>

## **9. Right to work and to just and favourable conditions of work**

35. The Independent Expert on the enjoyment of human rights by persons with albinism recommended that Brazil review and standardize the criteria for accessing disability grants and ensure that persons with albinism were provided with adaptive and assistive devices to facilitate their access to public transportation and employment.<sup>61</sup>

## **10. Right to an adequate standard of living**

36. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, and the Special Rapporteur on extreme poverty and human rights considered that the economic and social policies of Brazil were putting millions of lives at risk. They stated that Brazil should immediately drop the misguided austerity policies that were endangering lives and increase spending to combat inequality and poverty. They added that the COVID-19 outbreak had magnified the adverse impacts of a 2016 constitutional amendment that capped public expenditure in Brazil for 20 years. They also stated that government funding cutbacks had violated international human rights standards, including in education, housing, food, water and sanitation, and gender equality.<sup>62</sup> A larger group of special procedures mandate holders expressed a similar concern.<sup>63</sup> Responding to a question from the Committee on Enforced Disappearances,<sup>64</sup> the Government indicated that the pandemic had not caused the restriction of any constitutional liberties bearing no relation to the health emergency per se.<sup>65</sup>

37. On the basis of information from the National Zero Eviction Campaign, the United Nations country team reported that even with court orders, laws and resolutions prohibiting evictions, people still had their rights to housing violated during the pandemic.<sup>66</sup> The Special Rapporteur on adequate housing said that forcefully evicting people from their homes in this situation, regardless of the legal status of their tenancy, was a violation of their human rights. He also expressed concern that the President had vetoed an effort by the Congress of Brazil to limit the impact of evictions.<sup>67</sup>

## 11. Right to health

38. The United Nations country team expressed concern regarding sexual and reproductive rights in Brazil, due to disinformation campaigns; legislative measures aimed at tailoring “age-appropriate” sex education; and attempts to hinder programmes and governmental bodies responsible for the implementation of sexual and reproductive rights policies.<sup>68</sup>

39. On the basis of information from the Joint United Nations Programme on HIV/AIDS, the United Nations country team reported that, on average, people of African descent had lower life expectancy and that indigenous people experienced difficulties in accessing social services.<sup>69</sup> Although cases and deaths related to HIV/AIDS had decreased between 2017 and 2019, people of African descent had been disproportionately affected by sexually transmitted infections, especially HIV.<sup>70</sup>

40. According to United Nations country team, the COVID-19 pandemic caused a significant increase in the number of maternal deaths.<sup>71</sup> UNHCR reported that refugees and migrants were included in vaccination programmes throughout the country and were eligible to receive COVID-19 emergency aid.<sup>72</sup>

41. The Independent Expert on the enjoyment of human rights by persons with albinism recommended that Brazil ensure that sunscreen was included on the list of essential medicines that were available and accessible; replicate the Pro-Albino Programme in the Northeast region; and make quality health services available, affordable and accessible in rural areas.<sup>73</sup>

## 12. Right to education

42. UNESCO stated that, in 2018, Brazil had spent 6.1 per cent of its gross domestic product and 16.1 per cent of the total government expenditure on education, which was aligned with the Education 2030 Framework for Action.<sup>74</sup>

43. On the basis of information from the United Nations Children’s Fund, the United Nations country team reported that almost 1.1 million children and adolescents of compulsory school age were out of school in 2019. Among them, 70.8 per cent were black boys and girls. The pandemic had increased school exclusion and, by November 2020, more than 5 million girls and boys had no access to education.<sup>75</sup> UNESCO encouraged Brazil to consider harmonizing its national legislation, in order to ensure that children completed their compulsory education, by aligning the minimum age of employment and related exceptions with compulsory school attendance.<sup>76</sup>

44. The Independent Expert on the enjoyment of human rights by persons with albinism recommended that Brazil integrate a response for learners with albinism into special needs education and inclusive education programmes to ensure that they are well integrated in mainstream schools.<sup>77</sup>

## 13. Cultural rights

45. UNESCO encouraged Brazil to fully implement the relevant provisions that promoted access to and participation in cultural heritage and creative expressions, which were conducive to implementing the right to take part in cultural life. In doing so, Brazil was encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations, as well as vulnerable groups.<sup>78</sup>

## 14. Development, the environment, and business and human rights

46. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes reported that, despite positive advancements in recent decades, Brazil was in a state of deep regression from human rights principles, laws and standards, in violation of international law.<sup>79</sup> In this context, he added that it appeared that Brazil had absconded from its duty to prevent and protect, eviscerating necessary institutions and hampering participation and expression by intimidating those who dared to speak against current trends, whether they be activists, scientists, international leaders or ministers. He also noted that private actors had been

signalled to disregard laws designed to safeguard the global commons and the rights of indigenous peoples and people of African descent; that corporate crimes against workers and communities had been perpetrated with impunity; and that the rights to information and participation had been drastically scaled back. In addition, various judicial and parliamentary decisions remained unimplemented where implementation would be unfavourable to private interests.<sup>80</sup>

47. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Brazil establish permanent bodies of fully independent experts to help to decouple economic growth from environmental degradation; advise on all natural, physical, social and scientific matters related to environmental and occupational risks; and create safeguards against corporate capture, corruption and conflicts of interest with the Government. He also recommended that Brazil implement the principles on protection of workers from exposure to toxic substances; require mandatory human rights due diligence of all business enterprises in Brazil; implement timely, well-coordinated and effective emergency response mechanisms for environmental and occupational disasters; and respect the fundamental role of public participation in democracy and good governance. He further recommended that Brazil fully implement judicial decisions, and improve accountability and access to justice and effective remedy for victims.<sup>81</sup> The Government of Brazil replied that the National Agency of Health Surveillance (Anvisa) was working on a regulation to establish guidelines for an extended assessment of occupational risk.<sup>82</sup>

48. The United Nations country team observed that, six years after of the collapse of the Mariana dam, condemnations were still pending. Affected people still had not received final compensation for the human rights abuses and violations they had suffered.<sup>83</sup> Several special procedure mandate holders called for a prompt, thorough and impartial investigation into the collapse of a tailing dam in Minas Gerais in 2019. They urged the Government to act decisively on its commitment to do everything in its power to prevent such tragedies and to bring to justice those responsible for the disaster. They further called upon the Government not to authorize any new tailing dams, nor to allow any activities that would affect the integrity of existing ones until safety was ensured.<sup>84</sup> The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes made a similar recommendation.<sup>85</sup>

49. The United Nations country team underlined that the national guidelines on business and human rights were established in 2018 but their compliance was not mandatory, thus indicating that respecting human rights remained voluntary.<sup>86</sup> The High Commissioner for Human Rights stated that, while the State had the duty to prevent and redress human rights violations, business enterprises also had a responsibility to respect human rights throughout their operations and business relationships.<sup>87</sup>

50. Further to a question from the Committee on Enforced Disappearances,<sup>88</sup> the Government of Brazil underlined that the pressure of illegal mining groups and land grabbers could lead to serious challenges, eventually involving all State-protected groups and resulting in federal police investigation.<sup>89</sup>

51. In June 2021 and April 2022, several special procedure mandate holders expressed concern over draft bill No. 191/20 regulating mining and economic activities in indigenous lands. They noted that the proposed legislation failed to contain environmental and social safeguards; omitted redress for indigenous peoples; and did not address social, cultural or health-care services. They called upon the Government to develop and implement actions to guarantee the environmental protection of indigenous lands, including their natural resources, and provide appropriate health-care services to indigenous peoples.<sup>90</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

52. On the basis of information from Instituto de Estudos Socioeconômicos, the United Nations country team indicated that there had been a massive reduction in the budget of the

Ministry of Women, Family and Human Rights in 2021, accompanied by a reduction of 51.8 per cent in policies for women.<sup>91</sup> In addition, the production of data and national statistics on violence against women and girls was still a challenge, due to concepts adopted by legislation on femicide and domestic violence, as well as by the absence of a comprehensive legal framework on gender-based violence.<sup>92</sup>

53. The United Nations country team indicated that there were systemic obstacles to the investigation and prosecution of feminicides with a gender perspective. The situation had worsened due to a more flexible access to firearms.<sup>93</sup>

## **2. Children**

54. On the basis of information from the United Nations Children's Fund, the United Nations country team reported that, between 2016 and 2020, 35,000 children and adolescents aged 0 to 19 had been violently killed in Brazil. In addition, from 2017 to 2020, 180,000 had suffered sexual violence.<sup>94</sup>

55. UNESCO underlined that the 1990 Statute on Children and Adolescents amended by Law No. 13010 of 2014 protected children from corporal punishment and cruel or degrading treatment in educational institutions, but not against all forms of violence.<sup>95</sup> UNESCO recommended that Brazil consider introducing legal protection against all forms of violence, particularly gender-based, psychological and sexual violence in education settings.<sup>96</sup>

56. The Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members expressed serious concern about the number of children affected by leprosy in Brazil, many of whom were denied access to schooling. She urged the Government to take urgent steps to ensure that the rights of those affected by the disease were protected.<sup>97</sup>

57. The Committee on Enforced Disappearances recommended that Brazil take the measures necessary to ensure that its domestic legal system included specific procedures for reviewing and, where appropriate, annulling any adoption, placement or guardianship of children that originated in enforced disappearance, and for re-establishing their true identity, taking into account their best interests.<sup>98</sup>

## **3. Persons with disabilities**

58. The United Nations country team reported that the 2010 census indicated that 24 per cent of the Brazilian population had some type of disability and that of those individuals, only 1 per cent of them were employed.<sup>99</sup>

## **4. Indigenous peoples and minorities**

59. Several special procedure mandate holders deplored attacks by illegal miners on indigenous peoples who opposed illegal logging and mining in the Munduruku and Yanomani indigenous lands and called upon the Brazilian authorities to investigate and prosecute those responsible. They stated that the Government of Brazil should take immediate measures to protect the safety of these indigenous peoples and of human rights defenders. They also noted that illegal mining activities and the associated mercury pollution threatened the health, water and food sources of indigenous peoples.<sup>100</sup> The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Brazil take comprehensive measures to stop deforestation and protect indigenous peoples, minority groups and the poor by respecting the right of indigenous peoples to self-determination, refraining from legalizing natural resources extraction on the lands of indigenous peoples without their consent and ensuring that criminal sanctions were issued for land grabbers and polluters.<sup>101</sup>

60. The High Commissioner for Human Rights considered the killing of an indigenous leader in Amapá in 2019 to be a disturbing symptom of the growing problem of encroachment on indigenous land by miners, loggers and farmers in Brazil. She added that the policy proposed by the Government of Brazil to open up more areas of the Amazon to mining could lead to incidents of violence, intimidation and killings of the type inflicted on the Wajãpi

people. The High Commissioner urged the Government to act decisively to halt the invasion of indigenous territories and ensure the peaceful exercise of the collective rights of indigenous peoples to their land, and to reconsider its policies towards indigenous peoples and their lands.<sup>102</sup>

61. The United Nations country team noted that the demarcation and registration of indigenous lands had stopped.<sup>103</sup> Nevertheless, there were legislative initiatives that were aimed at further weakening the normative frameworks on the right to land and to allowing economic and mining exploitation on indigenous lands, which would put the indigenous communities at great risk.<sup>104</sup>

62. On the basis of information from Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas, the United Nations country team reported several violations of Quilombola's human rights affecting women and girls in particular.<sup>105</sup> The Special Rapporteur on the rights to freedom of peaceful assembly and of association was appalled by the levels of violence against human rights defenders; traditional communities, including Quilombolas and indigenous peoples; and community leaders in the favelas.<sup>106</sup>

63. UNHCR reported that indigenous communities faced intersectional challenges both as indigenous peoples and as persons forcibly displaced and in need of international protection, requiring culturally differentiated public policies and durable solutions.<sup>107</sup>

## **5. Lesbian, gay, bisexual, transgender and intersex persons**

64. On the basis of information from Associação Nacional de Travestis e Transexuais, the United Nations country team reported that transgender persons were exposed to violence and that most victims were women of African descent and young people aged 13 to 35.<sup>108</sup>

## **6. Migrants, refugees and asylum-seekers**

65. UNHCR reported that, in June 2019, the National Committee for Refugees (CONARE) issued a decision applying the extended refugee definition to nationals of the Bolivarian Republic of Venezuela and those affected by the humanitarian crisis in that country. Brazil adopted *prima facie* simplified asylum procedures and began issuing refugee recognitions under that approach in December 2019.<sup>109</sup> UNHCR recommended that Brazil strengthen public policies for the benefit of the Venezuelan refugee and migrant indigenous communities living in urban and rural areas to support their social welfare, cultural preservation, autonomy and self-reliance.<sup>110</sup>

66. The United Nations country team reported that Brazil had taken steps to further implement its new Migration Law; that new visa and residence permits based on humanitarian needs had been created; that a unified procedure for identification and protection of unaccompanied and separated children had been established; and that local migration policies and plans had started to be discussed and developed.<sup>111</sup>

67. UNESCO reported that Law No. 13445 (2017) guaranteed equal and free access of migrants to services, programmes and social benefits, public goods, education, comprehensive public legal assistance, work, housing, banking services and social security, without discrimination by reason of nationality and migratory condition.<sup>112</sup> On the basis of information from the United Nations Population Fund, the United Nations country team underlined that Brazil faced challenges in fully providing adequate access to employment, social protection, public education and health.<sup>113</sup>

68. UNHCR recommended that Brazil maintain continued access to the territory and protection from refoulement for all persons in need of international protection and ensure timely and effective access to asylum procedures for them.<sup>114</sup>

## **7. Stateless persons**

69. UNHCR indicated that, in 2021, the Brazilian Ministry of Justice and Public Security launched the SisApatridia, an online platform dedicated to the submission and processing of statelessness recognition claims.<sup>115</sup>

## Notes

- 1 [A/HRC/36/11](#), [A/HRC/36/11/Add.1](#) and [A/HRC/36/2](#).
- 2 United Nations country team submission for the universal periodic review of Brazil, paras. 64–65.
- 3 [A/HRC/45/12/Add.2](#), para. 100 (f).
- 4 See [https://www.ohchr.org/en/press-releases/2022/03/brazil-un-expert-visit-assess-peaceful-assembly-and-association-rights#:~:text=GENEVA%20\(25%20March%202022\)%20%E2%80%93,March%20to%208%20April%202022](https://www.ohchr.org/en/press-releases/2022/03/brazil-un-expert-visit-assess-peaceful-assembly-and-association-rights#:~:text=GENEVA%20(25%20March%202022)%20%E2%80%93,March%20to%208%20April%202022); and <https://www.ohchr.org/en/press-releases/2022/04/un-torture-prevention-body-applauds-brazil-supreme-courts-decision>. See also <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.
- 5 [A/HRC/46/32/Add.1](#), para. 1; [A/HRC/45/12/Add.2](#), para. 1; and <https://www.ohchr.org/en/media-advisories/2019/05/brazil-un-expert-leprosy-visit>. See also <https://www.ohchr.org/en/statements-and-speeches/2019/05/united-nations-special-rapporteur-elimination-discrimination>.
- 6 See [https://www.ohchr.org/sites/default/files/2022-06/OHCHR\\_Report\\_2021.pdf](https://www.ohchr.org/sites/default/files/2022-06/OHCHR_Report_2021.pdf) (p. 115).
- 7 [CED/C/BRA/CO/1](#), para. 7. See also [CED/C/BRA/RQ/1](#), paras. 9–11 and 23–26.
- 8 [CED/C/BRA/CO/1](#), para. 9.
- 9 *Ibid.*, para. 15.
- 10 *Ibid.*, para. 17.
- 11 United Nations country team submission, para. 63. See also [CED/C/BRA/Q/1](#), para. 3; and [CED/C/BRA/RQ/1](#), paras. 3–5.
- 12 [A/HRC/45/12/Add.2](#), para. 100 (e).
- 13 [A/HRC/46/32/Add.1](#), para. 122.
- 14 See <https://www.ohchr.org/en/press-releases/2022/04/un-torture-prevention-body-applauds-brazil-supreme-courts-decision>. See also [https://www.ohchr.org/en/press-releases/2022/02/brazil-must-abide-international-obligations-and-strengthen-its-torture#:~:text=Related&text=GENEVA%20\(11%20February%202022\)%20%E2%80%93,prison%20population%20in%20the%20world](https://www.ohchr.org/en/press-releases/2022/02/brazil-must-abide-international-obligations-and-strengthen-its-torture#:~:text=Related&text=GENEVA%20(11%20February%202022)%20%E2%80%93,prison%20population%20in%20the%20world); and <https://www.ohchr.org/en/press-releases/2019/12/un-torture-prevention-body-announces-forthcoming-country-visits-and-issues>.
- 15 United Nations country team submission, para. 8.
- 16 See <https://www.ohchr.org/en/press-releases/2022/04/un-torture-prevention-body-applauds-brazil-supreme-courts-decision>; and <https://www.ohchr.org/en/press-releases/2022/02/brazil-must-abide-international-obligations-and-strengthen-its-torture>. See also [CAT/OP/8](#); and <https://www.ohchr.org/en/press-releases/2019/02/torture-prevention-un-human-rights-experts-urge-brazil-abide-its>.
- 17 See communications CERD/EWUAP/98thsession/Brazil/JP/ks, CERD/EWUAP/104thSession/2021/CS/ks and CERD/EWUAP/103rd Session/2021/MJ/CS/ks.
- 18 See <https://www.ohchr.org/en/press-briefing-notes/2020/11/press-briefing-note-brazil>.
- 19 United Nations country team submission, para. 41.
- 20 [CED/C/BRA/CO/1](#), paras. 22–23.
- 21 [A/HRC/46/32/Add.1](#), paras. 114–115.
- 22 See <https://www.ohchr.org/en/statements/2018/03/high-commissioners-global-update-human-rights-concerns>. See also <https://www.ohchr.org/en/press-releases/2018/07/brazil-security-forces-who-shot-dead-14-year-old-schoolboy-must-face-justice>; and communication CERD/EWUAP/104thSession/2021/CS/ks.
- 23 See <https://www.ohchr.org/en/2021/05/press-briefing-notes-brazil>.
- 24 See <https://www.ohchr.org/en/press-releases/2018/03/brazil-un-experts-alarmed-killing-rio-human-rights-defender-who-decried>.
- 25 See <https://www.ohchr.org/en/press-releases/2018/03/comment-un-human-rights-office-spokesperson-liz-throssell-killing-rio-de>.
- 26 See <https://www.ohchr.org/en/news/2019/03/brazil-must-ensure-justice-rights-defender-marielle-franco-killed-year-ago-say-un-and>.
- 27 See <https://www.ohchr.org/en/press-releases/2022/04/un-torture-prevention-body-applauds-brazil-supreme-courts-decision>. See also <https://www.ohchr.org/en/press-releases/2022/02/brazil-must-abide-international-obligations-and-strengthen-its-torture>; [https://www.ohchr.org/en/press-releases/2022/02/brazil-must-abide-international-obligations-and-strengthen-its-torture#:~:text=Related&text=GENEVA%20\(11%20February%202022\)%20%E2%80%93,prison%20population%20in%20the%20world](https://www.ohchr.org/en/press-releases/2022/02/brazil-must-abide-international-obligations-and-strengthen-its-torture#:~:text=Related&text=GENEVA%20(11%20February%202022)%20%E2%80%93,prison%20population%20in%20the%20world); and United Nations country team submission, para. 3.
- 28 United Nations country team submission, paras. 3 and 5.
- 29 See <https://www.ohchr.org/en/press-briefing-notes/2020/11/press-briefing-note-brazil>.
- 30 [CED/C/BRA/CO/1](#), para. 25.
- 31 United Nations country team submission, paras. 6 and 9.

- <sup>32</sup> See <https://www.ohchr.org/en/press-releases/2021/09/un-committee-enforced-disappearances-issues-findings-brazil-panama-france>. See also [CED/C/BRA/Q/1](#), para. 6; and [CED/C/BRA/RQ/1](#), para. 12.
- <sup>33</sup> United Nations country team submission, para. 38.
- <sup>34</sup> *Ibid.*, paras. 13–14.
- <sup>35</sup> *Ibid.*, para. 56.
- <sup>36</sup> [A/HRC/45/12/Add.2](#), para. 100 (k) (iv)–(v).
- <sup>37</sup> See <https://www.ohchr.org/en/press-releases/2020/10/brazil-lawyers-must-not-be-attacked-defending-their-clients-says-un-expert>.
- <sup>38</sup> [CED/C/BRA/CO/1](#), paras. 18–19. See also [CED/C/BRA/Q/1](#), para. 9; and [CED/C/BRA/RQ/1](#), paras. 27–30.
- <sup>39</sup> See <https://www.ohchr.org/en/press-releases/2018/07/brazil-security-forces-who-shot-dead-14-year-old-schoolboy-must-face-justice>.
- <sup>40</sup> [CED/C/BRA/CO/1](#), paras. 22–23. See also [CED/C/BRA/Q/1](#), para. 12; and [CED/C/BRA/RQ/1](#), para. 43.
- <sup>41</sup> [A/HRC/44/46/Add.2](#), paras. 74–79.
- <sup>42</sup> [A/HRC/46/35](#), paras. 41, 44 and 75; and United Nations country team submission, para. 55. See also <https://www.ohchr.org/en/press-releases/2021/02/brazil-killing-land-rights-defender-must-be-duly-investigated-stop-impunity>.
- <sup>43</sup> See <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.
- <sup>44</sup> United Nations country team submission, para. 57.
- <sup>45</sup> See <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.
- <sup>46</sup> *Ibid.*
- <sup>47</sup> [A/HRC/45/12/Add.2](#), para. 100 (k) (i)–(iii).
- <sup>48</sup> [A/HRC/46/32/Add.1](#), para. 122 (b).
- <sup>49</sup> [CED/C/BRA/CO/1](#), paras. 30–31.
- <sup>50</sup> UNESCO submission, paras. 8–9. See also <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.
- <sup>51</sup> UNESCO submission, para. 11.
- <sup>52</sup> See <https://www.ohchr.org/en/press-releases/2020/02/brazil-un-and-iachr-experts-express-concern-over-complaint-against>.
- <sup>53</sup> UNESCO submission, para. 12.
- <sup>54</sup> United Nations country team submission, paras. 31–33.
- <sup>55</sup> UNESCO submission, para. 6.
- <sup>56</sup> *Ibid.*, p. 6.
- <sup>57</sup> *Ibid.*, para. 10.
- <sup>58</sup> See <https://www.ohchr.org/en/press-releases/2020/10/leprosy-brazil-children-sent-preventoriums-long-overdue-justice-says-un>.
- <sup>59</sup> United Nations country team submission, para. 62.
- <sup>60</sup> See <https://www.ohchr.org/en/press-releases/2017/11/brazil-must-act-now-avoid-losing-ground-fight-against-modern-slavery-un>.
- <sup>61</sup> [A/HRC/46/32/Add.1](#), para. 120.
- <sup>62</sup> See <https://www.ohchr.org/en/press-releases/2020/04/covid-19-brazils-irresponsible-economic-and-social-policies-put-millions>. See also United Nations country team submission, paras. 1 and 40; and communications CERD/EWUAP/101stsession/2020/Brazil/CA/ks and CERD/EWUAP/104thSession/2021/CS/ks.
- <sup>63</sup> See <https://www.ohchr.org/en/press-releases/2018/08/brazil-must-put-human-rights-austerity-warn-un-experts-child-mortality-rises>.
- <sup>64</sup> [CED/C/BRA/Q/1](#), para. 5.
- <sup>65</sup> [CED/C/BRA/RQ/1](#), para. 8.
- <sup>66</sup> United Nations country team submission, paras. 16 and 18.
- <sup>67</sup> See <https://www.ohchr.org/en/press-releases/2020/07/brazil-must-end-evictions-during-covid-19-crisis-un-expert>.
- <sup>68</sup> United Nations country team submission, para. 26.
- <sup>69</sup> *Ibid.*, para. 23.
- <sup>70</sup> *Ibid.*, para. 24.
- <sup>71</sup> *Ibid.*, paras. 28–29.
- <sup>72</sup> UNHCR submission, p. 2.
- <sup>73</sup> [A/HRC/46/32/Add.1](#), para. 118.
- <sup>74</sup> UNESCO submission, p. 7.
- <sup>75</sup> United Nations country team submission, para. 15.
- <sup>76</sup> UNESCO submission, para. 10.

- <sup>77</sup> [A/HRC/46/32/Add.1](#), para. 119.
- <sup>78</sup> UNESCO submission, para. 13.
- <sup>79</sup> [A/HRC/45/12 Add.2](#), para. 95.
- <sup>80</sup> *Ibid.*, paras. 95–96. See also United Nations country team submission, para. 53.
- <sup>81</sup> [A/HRC/45/12/Add.2](#), para. 100. See also [A/HRC/45/12/Add.4](#), para. 61.
- <sup>82</sup> [A/HRC/45/12/Add.4](#), para. 57.
- <sup>83</sup> United Nations country team submission, para. 60.
- <sup>84</sup> See <https://www.ohchr.org/en/press-releases/2019/01/brazil-un-experts-call-probe-deadly-dam-collapse>.
- <sup>85</sup> [A/HRC/45/12/Add.2](#), para. 100 (o).
- <sup>86</sup> United Nations country team submission, para. 59.
- <sup>87</sup> See <https://www.ohchr.org/en/press-briefing-notes/2020/11/press-briefing-note-brazil>.
- <sup>88</sup> [CED/C/BRA/Q/1](#), para. 7.
- <sup>89</sup> [CED/C/BRA/RQ/1](#), para. 16.
- <sup>90</sup> See <https://www.ohchr.org/en/press-releases/2021/06/brazil-un-experts-deplore-attacks-illegal-miners-indigenous-peoples-alarmed>; and <https://www.ohchr.org/sites/default/files/2022-05/OL-BRA-28.03.22-4.2022.pdf>.
- <sup>91</sup> United Nations country team submission, para. 34.
- <sup>92</sup> *Ibid.*, paras. 34 and 36.
- <sup>93</sup> *Ibid.*, para. 12.
- <sup>94</sup> *Ibid.*, para. 45.
- <sup>95</sup> UNESCO submission, p. 6.
- <sup>96</sup> *Ibid.*, para. 10.
- <sup>97</sup> See <https://www.ohchr.org/en/taxonomy/term/1275?page=5>.
- <sup>98</sup> [CED/C/BRA/CO/1](#), para. 35.
- <sup>99</sup> United Nations country team submission, para. 46.
- <sup>100</sup> See <https://www.ohchr.org/en/press-releases/2021/06/brazil-un-experts-deplore-attacks-illegal-miners-indigenous-peoples-alarmed>.
- <sup>101</sup> [A/HRC/45/12/Add.2](#), para. 100. See also <https://www.ohchr.org/en/press-releases/2021/06/brazil-un-experts-deplore-attacks-illegal-miners-indigenous-peoples-alarmed>.
- <sup>102</sup> See <https://www.ohchr.org/en/statements/2019/07/statement-un-high-commissioner-human-rightsmichelle-bachelet-killing-indigenous>.
- <sup>103</sup> United Nations country team submission, para. 52.
- <sup>104</sup> *Ibid.*, para. 53.
- <sup>105</sup> *Ibid.*, para. 42.
- <sup>106</sup> See <https://www.ohchr.org/en/press-releases/2022/04/brazil-un-expert-decries-erosion-democracy-urges-safe-space-civil-society>.
- <sup>107</sup> UNHCR submission, p. 4.
- <sup>108</sup> United Nations country team submission, para. 11.
- <sup>109</sup> UNHCR submission, p. 1.
- <sup>110</sup> *Ibid.*, p. 4.
- <sup>111</sup> United Nations country team submission, para. 51.
- <sup>112</sup> UNESCO submission, p. 5.
- <sup>113</sup> United Nations country team submission, paras. 21 and 48–49.
- <sup>114</sup> UNHCR submission, pp. 3–4.
- <sup>115</sup> *Ibid.*, p. 2.