

# MID TERM REPORT

## CIVIL SOCIETY - UPR 3RD CYCLE

### BRAZIL (2017-2019)



COLETIVO

RPU

BRASIL

**Organization:**

Instituto de Desenvolvimento e Direitos Humanos - IDDH

**Support:**

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**Text:**

Articulação dos Povos Indígenas do Brasil – APIB

Articulação para o Monitoramento dos Direitos Humanos no Brasil

Artigo 19

Associação Interdisciplinar de AIDS - ABIA

Campanha Nacional pelo Direito à Educação

CLADEM - Comitê Latino-americano e do Caribe para a Defesa dos Direitos da Mulher

Central de Cooperativas e Empreendimentos Solidários

Conectas Direitos Humanos

Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas

Gabinete de Assessoria Jurídica às Organizações Populares – GAJOP

Geledés – Instituto da Mulher Negra

Gestos

Instituto de Desenvolvimento e Direitos Humanos - IDDH

Instituto de Pesquisa e Formação Indígena - IEPÉ

Justiça Global

Movimento Nacional dos Direitos Humanos - MNDH

Plataforma Dhesca

Terra de Direitos

Themis - Gênero, Justiça e Direitos Humanos

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## INTRODUCTION

### THE UPR

The Universal Periodic Review (UPR) is a mechanism developed by the United Nations Human Rights Council (UN). Its role is to verify the implementation of human rights obligations and commitments undertaken by its 193 member countries. The main objective of the UPR is to improve the human rights situation worldwide. But it also serves as an international instrument that shares good practices in the implementation and monitoring of human rights between states and other stakeholders.

At the UPR, every four and a half years, countries undergo a cycle of assessments in which each UN member state reports the human rights situation within their country, receives recommendations from other countries and can also make recommendations to others. Recommendations are suggestions that other states offer to those under review, when it is verified whether they are implementing the human rights obligations laid down in the Charter of the United Nations, the Universal Declaration of Human Rights (UDHR) and the other human rights instruments ratified by the state.

Brazil has been through three UPR cycles in 2008, 2012 and in 2017. In the third, it received 246 recommendations, of which it took note (rejected) 4.

In order for the UPR mechanism to be effective, it is necessary for the state to report (accountability) and submit to society transparent information on the implementation of the recommendations. Equally important is the participation of civil society in this mechanism, which can take place in various ways and at all stages.

In 2019, during the 42nd session of the UN Human Rights Council, scheduled to take place from September 9 to 27, the UPR Brazil Coalition will present this mid-term Report, evaluating on the implementation of the recommendations received in the third cycle by the Brazilian state.

## UPR COLLECTIVE HISTORY

Since the first cycle, Brazilian civil society has been following the UPR. Initially, it sought to disseminate information about the mechanism in the country, collect transparency from the Brazilian State and expand the number of reports presented by organizations and social movements. After the 3rd cycle, in 2017, in addition to continuing to expand information and participation, civil society realized the need for the creation of its own monitoring mechanism (follow-up) of implementation with the recommendations, since the State has not yet developed a national plan for monitoring recommendations.

In 2018, a group of 25 Brazilian civil society organizations that followed the theme of Brazilian foreign policy created the UPR Brazil Coalition, in order to follow the UPR.

After its creation, several qualifications were

carried out, such as the workshop "Monitoring Economic, Social and Cultural Human Rights through the Universal Periodic Review of the UN", and the UPR Brazil platform (<https://plataformaUPR.org.br/>), an online tool for consultation and evaluation of implementation or non-implementation with the UPR recommendations received by the Brazilian state. This need became even more evident in the absence of a national monitoring plan.

Thus, the platform UPR Brazil aims to systematize the content of the recommendations in a practical and accessible way, so that it can be used by all the Brazilian human rights advocates and aims to disseminate information on the monitoring of the recommendations, increasing the participation of Brazilian civil society in the UPR mechanism.

## CURRENTLY THE UPR BRAZIL COALITION IS INTEGRATED BY THE FOLLOWING 21 ORGANIZATIONS:

ABGLT - Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis, Transexuais e Intersexos

Articulação dos Povos Indígenas do Brasil – APIB

Articulação para o Monitoramento dos Direitos Humanos no Brasil

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Instituto de Migrações e Direitos Humanos - IMDH

Instituto de Pesquisa e Formação Indígena - IEPÉ

Instituto Nacional de Estudos Socioeconômicos - INESC

Intervezes

Justiça Global

Movimento Nacional dos Direitos Humanos - MNDH

Plataforma Dhesca

Terra de Direitos

Themis - Gênero, Justiça e Direitos Humanos



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The UPR Brazil Coalition has been working extensively in Brazil to strengthen the role of civil society in actions before, during and after the Brazilian review in the UPR, as now, in the preparation of this mid-term Report.

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## METHODOLOGY

The UPR Brazil Coalition organizations, since the 3rd cycle, have been meeting annually at the UN Human Rights Office in Brasilia/Brazil, seeking to identify a best methodology to follow the implementation of the UPR recommendations. In 2018, after the UPR Brazil Coalition launched the UPR Brazil Platform ([plataformarpu.org.br](http://plataformarpu.org.br)), the organizations decided to test the platform to elaborate the mid term report of the 3rd cycle.

Therefore, some steps were taken for the elaboration of this report: a) the organizations submitted their assessments of the recommendations indicating the status of the compliance as “implemented”, “partially implemented” or “not implemented”; b) for each recommendation the organizations were able to give suggestions for public authorities (whether Legislative, Judiciary or Executive); c) also, associate the human rights related with one or more 2030 Agenda of the Sustainable Development Goals (SDGs).

After 6 months of this process at the Platform and the systematization of these assessments, a consultation was opened by email for the Coalition to validate the assessments made online. Finally, in August 2019, the UPR Brazil Coalition met at a workshop at the UN Residence Office in Brasilia to revalidate all the topics, include new information and approve the framework of this mid term report.

It is important to highlight that the human rights thematics selected for this report were chosen by the organizations of the Coalition taking into account: a) main focus on the recommendations Brazil received in the 3rd cycle; b) relevance of these rights in the country; and, c) role of the organizations part of the Coalition. In this way, not all the recommendations received and accepted by Brazil were assessed in this report, but we believe these thematics are enough to demonstrate the current human rights situation in the country.

The selected themes are described in the summary and will be presented each in the following order:

A) number of recommendations and content

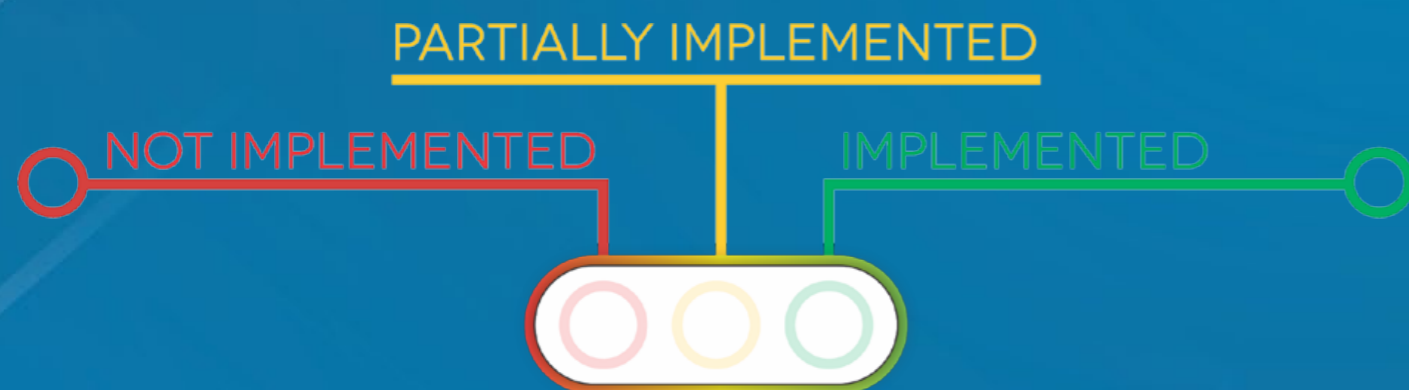
B) status of the implementation (implemented, partially implemented and not implemented)

C) justification (data)

D) SDGs related

In Annex, all these information are described in tables for easier visualization and consultation.

This mid term report can also be seen at the website of the UPR Platform: [plataformarpu.org.br](http://plataformarpu.org.br)



## EXECUTIVE SUMMARY

The report we present here uses the UN Human Rights Council's Universal Periodic Review Mechanism (UPR) to respond to the recommendations made to Brazil in the third review cycle.

The country's recent history points to a series of institutional setbacks, whether in terms of democratic participation, sustainable development or human rights. The democracy that civil society seeks is inclusive and plural, with respect to freedom and equality, valuing diversity and social participation. However, the scenario we are experiencing has revealed in the country an evident increase in gender violence, discrimination, inequalities and hate speech. We are also witnessing the growing lack of transparency about official data regarding social, economic and environmental policies, and also the dismantling of social participation policies, through the extinction or precariousness of councils and spaces for participation, in particular the National Council for Human Rights, the CONSEA (Food Security Council) and the National Commission on Sustainable Development Goals. There is no real democracy without transparency, information and participation.

In terms of development, the country has suffered from secular stagnation for six years. The cuts in the public budget to promote social rights and investments visibly impact the ongoing struggle to reduce poverty and inequalities of the first decade of this century. Over the past three years, poverty saw a new increase, as has infant and maternal mortality, which are clear signs of socio-economic backlash. Following the long-term austerity policy of the constitutional amendment 95/2016, the subsequent government continues to reduce the social budget, contingent funds for Education and Public Health, directly affecting the vulnerable population and the sciences, and further widening socio-economic inequality in the country. In March 2019, the new government cut nearly 30 billion reais to maintain the fiscal target, under the argument of controlling the public deficit. In July, with the fall of the growth forecast, there was a new contingency, close to 1.5 billion. All these cuts have an impact on education, health, social welfare, housing and the environment, key areas for Sustainable Development and the guarantee of rights through strong and efficient institutions. The scrapping of the state as a government strategy shows signs of weakening institutional credibility.

Furthermore, in relation to the tragic environmental policy, or lack thereof, the government resurrected the obsolete idea of almost a century ago that sees the economic development in the Amazon associated with deforestation, the unbridled exploitation of finite natural resources, and the appropriation of indigenous lands ratified by law. The narrative about destroying nature to build economic growth through monoculture tramples on acquired rights and contemporary common sense, particularly in the face of a global climate emergency. However, the current administration adopts in its conspiratorial speech the theory that the environmental agenda in Brazil would be tied to the “interests and ideologies of the left” and of non-governmental organizations, both national and international; and that it would be detrimental to the production and development of the country, without regard to or discussion about the model of development being proposed and their negative externalities, from local to global level. In addition, the president himself began to dispute data and evidence on deforestation, its impacts on the environment and on the life of Indigenous communities and populations living in the territories, including transforming documents of public interest into state secrecy, at

an accelerated pace. The environmental (un)politics of the government favors the advance of agribusiness over public lands, territories and areas of conservation, the exploitation of common goods, especially for mining, extensive livestock farming and the criminal exploitation of wood, sponsoring through speeches and actions the loss of rights. The unbridled release of pesticides in the country is also aggravated - more than 290 in 2019 alone, until July - disregarding a series of studies on the impacts of its use on the environment and people's lives. Despite the fact that these products receive federal and state tax incentives for their commercialization, to the detriment of the incentive to agroecological and sustainable production, contrary to several sustainable development goals (2.3, 2.4, 2.5, 2.a, 3.4, 3.9, 4.7, 6.3, 6.4, 8.2, 13.2 etc.), putting the country on the opposite path of the 2030 Agenda.

With regard to Human Rights, there is a clear and alarming setback in most cases, which ultimately reduces the impact of the few institutional advances guaranteed through resolutions of the judiciary, where the Supreme Court (Federal Court) has played a leading role. In this UPR Brazil Coalition's mid-term report of the UPR mechanism, data are presented on the current situation that demonstrate the various setbacks that challenge and compromise the extension of the human rights policy in the country. Recent intervention in the National Human Rights Council, confirming the authoritarian position of the Federal Government as a repeat practice.

Another important issue is that the government has staked heavily on a despotic regime of signification, exploiting a distorted view of morals and customs that apply criteria of selectivity to human rights - electing "good humans" as opposed to "outlaws and those who defend them." This way the government has inflated intolerance and violence in Brazilian society. This speech has even manifested itself in international spaces, changing Brazil's traditional historical position regarding the guarantee and extension of human rights. The Brazilian position regarding the orientation to the concept of gender, as something essentially biological, is an example of this change that challenges reasonableness.

As we see stunts from the President of the Republic against the peaceful co-existence among the people and their differences, various bills in the congress are seeking to institutionalize bigotry, reduce the rights and to take on the responsibility of the State to provide quality public services, including the executive branch projects with a large criminological bias, such as the "Anti-crime Package" which increases the institutional violence of the public security apparatus or the Weapons Decree. The oxymoron of the two measures shows the lack of common sense of the current government, questioning its ability to govern without the destruction of National Civility. This is the risk that the project of a Democratic Brazil, developed and focused on the guarantee of human rights, is taking at the moment. But organized civil society is attentive and persistent in its goal, because as the poet Mario Quintana said "*eles passarão, eu passarinho*". A sustainable society is built with work and interest focused on the common good, as guaranteed by the 1988 Citizen's Constitution. It remains for us to implement it.



The recommendations 23, 24, 25, 26, 27, 28 and 31, which deal with *National Human Rights Institution* are not being implemented. The Law #12.986/2014 was born as a demand of social movements committed to the struggle for citizenship and the affirmation of human rights, it was processed in the Brazilian Parliament for almost two decades and was a plea of the third National Program of Human Rights (PNDH3) - program built by a long process of dialogue and by the resolutions adopted at the 11th National Conference on Human Rights - instituted by Decree #7.037 of December 21, 2009, whose inaugural action established "to support, together with the Legislative Power, the establishment of the National Council of Human Rights, endowed with human, material and budgetary resources for its full functioning, and to be accredited to the Office of the United Nations High Commissioner for Human Rights as a 'Brazilian National Institution', as a first step towards the full adoption of the "Paris Principles".

In order to move forward with the implementation of the recommendations contained in the third cycle of the UPR, the CNDH approved recommendation No 10 of 11 July 2019, which recommends the conservation of the 2019 Budget Action aimed at the functioning of the National Human Rights Council within the Budget Unit of the Ministry of Women, the Family and Human Rights.

As well, it presented the letter nº 1922/2019/CNDH/SNPG/MMFDH that requests the application for National Register of Legal Entities and the creation of CNDH's

own Budgetary Unit. In response to the letter nº 1922/2019/CNDH/SNPG/MMFDH the Ministry of Women, Family and Human Rights issued the Joint Technical Note nº 11/2019/MDH in which it demoted that the CNDH is no longer a Budgetary Unit and has been downgraded to a Budgetary Plan.

The Ministry of Women, Family and Human Rights did not return as regards the opening of CNPJ and the organization of own expenses.

On 27 August 2019, arbitrarily and disregarding the guiding principles of the National Council for Human Rights (CNDH), Minister Damares Alves of the Ministry of Women, the Family and Human Rights dismissed the Council's coordinator who had been chosen by the collegiate body. The arbitrary act disregards the autonomy and administrative independence of the Council, established in the principles concerning the Status of National Human Rights Institutions (Paris Principle), defined by the United Nations (UN) organizations in 1992.

The Executive Secretary was chosen in December 2018, through Resolution No 15, after the election of its members and of the executive bureau for the 2018-2020 biennium, the usual procedure and an affirmation of its autonomy.

Important to note that the Law no. 12.986, of June 2nd, 2014 - the CNDH, in its organizational structure's Chapter IV, Art. 7 - The organs of the CNDH are: part IV - the Executive Office and the Resolution No. 01 of June 9th, 2015 - Rules of Procedure: of the structure, in its Art. 6 the CNDH has the

following structure: - V - Executive Office. In this way, the Executive Secretariat is part of the structure of the CNDH and its choice must be made by its highest body at the Plenary Session of the Council.

In the face of these facts, all the recommendations contained in the UPR were not implemented; on the contrary, there has been an attack and an intervention in the CNDH weakening its autonomy as laid down in the Paris Principles.



The recommendations 111, 113, 115, 116, 117, 118, 119, 121, 122, which deal with the *National Program for Protection of Human Rights Defenders* (PPDDH) were not implemented. The PPDDH is close to 15 years old and currently has 536 human rights defenders (DDHs) who are in follow-up throughout Brazil (the so-called “symbolic protection”), with 416 included and 120 under review to be included in the program. Even after these years, defenders suffer with the same disregard and lack of political will of the Brazilian state and of the Federal States to build and implement a public policy that allows the full exercise of citizenship by those who fight for rights in Brazil.

The government contracted a consultancy for the preparation of the *National Protection Plan for Human Rights Defenders*. The process of drafting the instrument took place through workshops held in several states, with interviews with members of social movements, NGOs, academics and public agents and, although the work was practically finished, the Brazilian government did not publish it and did not adopt it.

For this reason, in the second half of 2018, the Federal Public Prosecutor's Office of Rio Grande do Sul held a public hearing on the program of protection to DDH's and as a result of it, instituted a Public Civil Action to conclude an agreement with the Union so that the union undertakes to draw up a national plan of protection of DDH's, as determined by Article 2 of Decree 6.044/07.

The CNDH has contributed significantly through its commission of Human Rights Defenders in the monitoring of this

state action, repeatedly charging concrete measures to implement the policy. However, this committee has never replaced the lack of social participation in the PPDDH.

It is important to point out that the Human Rights Defenders Protection Program presents some legal and administrative problems. Firstly, it does not articulate public bodies responsible for guaranteeing rights – such as those responsible for land demarcation and Indigenous rights, for example – and it does not mobilize public policies that address structural issues that lead to the vulnerability of Human Rights Defenders and Social Movements. Not to mention the participation of the justice system, responsible for verification of crimes and threats against Human Rights Defenders, is going more along the path of criminalizing social movements and Human Rights Defenders than for the fight against impunity.

Another serious problem is the absence of a legal framework for the program that has not yet been approved, although the bill no. 4575/2009 was drafted in the National Congress and was approved by four committees, its approval in the plenary never happened. In this way, the PPDDH has no formal or legally binding as a matter of state policy, backed only by a presidential decree No. 6.044, of February 12, 2007, then Decree No. 8724, on April 27, 2016, and now by the decree No 9.937, of July 24, 2019, (the new decree has maintained the same basic structure of the programme, without the participation of the civil society), which excludes the civil society in the coordination and management of the program, thus putting an end to the

special participation that has always been one of the cornerstones of this policy.

Nevertheless, the PPDDH also faces methodological problems in its implementation:

(a) only individuals are included, forgetting that, according to its own concept, Human Rights Defenders are people and groups, movements, civil society organizations;

(b) there are no clear and standardized procedures to assess the risks that the DDHs are facing so that it can speed up the process of their entry into the program. The analysis processes take a long time and in many cases the DDH cannot expect the state to include them and have to, on its own account and/or with the help of civil society emergency funds, look for ways to protect themselves from threats.

(c) the training of the technical team and the improvement of the strategies of the PPDDH. In the process of building the bill no. 4575/2009, civil society considered it relevant to maintain in the drafting concepts and guidelines capable of giving effect to the policy, both in relation to the theoretical and political elements of the topic as well as in the issues related to competence, responsibility, management style, structure and budget consistent with the reality. Despite this, the program lacks a methodological framework, in addition to such guidelines.

(d) the lack of protection strategies aimed at specific groups, in order to take into account their specificities. There are no measures aimed at women, LGBTI public, quilombolas or indigenous and traditional peoples and communities, for example. In general, the measures adopted prioritize individual actions, which in some cases is not only not enough - because they are threatened communities or entire groups - it also neglects a politicized look at the local contexts. In this sense, it is also essential that there are specific treatment for women defenders of human rights, as well as an extension of protection for women who are family members of the threatened leadership.

Is important to note that even though the Brazilian government, in 2018, significantly increased the program's budget, we have not seen a significant increase in the programs being implemented in new states, even though agreements were signed with the states of Rio de Janeiro and Ceará, and it is being implemented in the states of Amazonas, Distrito Federal and Pará, we still have more than half of the Brazilian states without the protection. This year's *budget*, according to the Coordination of the PPDDH, is already smaller than last year's budget, which indicates a downward trend if we consider all the cuts and contingencies that have been made by the current government in human rights public policies.

Regarding the *participation of civil society*, Decree No 8724 of 27 April 2016 excluded civil society from the general coordination and management of the program, thus ending the social participation that has always been one of the pillars of this public policy. In 2018 the government the government issued a decree regulating the program and adding two categories to it, which although included as advocates in the program, were not expressly named, becoming the program for the protection of Human Rights Defenders, Social Communicators and Environmentalists. More recently on July 24, the current government issued the decree 9937 regulating the order of 2018 and opening the possibility of creating working groups with participation of civil society. Nevertheless, this decree kept civil society outside the deliberative council, despite all the articulations and appeals made by them.

Considering that all discussion on the implementation of the protection policy in Brazil has been elaborated over the last fourteen years, with intense participation of civil society, we consider that to advance in the construction of this policy it is essential to guarantee spaces for effective participation of civil society in an equal way to the participation of the state.

Not very different, recommendation 121, which specifically mentions *defenders*

*working with the indigenous cause*, is not been implemented. On several occasions, Bolsonaro stated that Indigenous NGOs are an obstacle to the government's plan to integrate these peoples into Brazilian society, and that they manipulate the Indigenous to claim lands<sup>(1)</sup>. Bolsonaro also stated that his government would end all forms of activism in Brazil<sup>(2)</sup>. He has repeatedly reiterated that he will not demarcate indigenous lands.

The *Inter-American Commission on Human Rights* visited Brazil in 2018 and drew attention in its report<sup>(3)</sup> to "the climate of delegitimization, threat, intimidation, violence and criminalization of human rights defenders." *Victoria Tauli CoUPRz, UN Special Rapporteur on the rights of Indigenous Peoples* reported "widespread impunity in relation to the assaults, murders and intimidation of Indigenous Peoples, particularly in the context of the actions of indigenous people to enforce their rights over their lands, and goes hand in hand with the criminalization of Indigenous leaders." She went so far as to consider Brazil "*by far the most dangerous country in the world for Human Rights Defenders of Indigenous groups.*"

Regarding recommendation 57, on the *amendment of the anti-terrorist law*, there is still no implementation, as there are currently 20 bills in the National Congress that aim to amend this law with strong prejudice to Human Rights Defenders and social movements. The projects cover the following topics: (a) revocation of the safeguard which provides for the non-application of the law to social movements or the relaxation of the safeguard, with a view to the application of the anti-terrorism law in cases of "abuse of social movement articulations", such as the bill 9858/2018, bill 9604); and (b) inclusion of political-ideological motivation to the crime of terrorism, extension of purpose and conduct (for example the PL 272/2016, 5065/2016); and (c) to establish the lawfulness of the evidence obtained by the infiltra-

tion of the police without a court order ("PL 2307). It is therefore concluded that this recommendation to the Brazilian state has not been complied with.

The Recommendations 114 and 120, which foresee the adoption of necessary measures to *protect journalists and human rights defenders*, were not implemented, because, considering the last ten years, Brazil is the second country in the Americas with the largest number of journalists murdered, behind only from Mexico. The Public Prosecution Service reported that in 56% of cases there was due investigation and those responsible for the crimes were reported to justice - although this is not always reflected in convictions. The prosecution reported that in 56% of the cases there was due recovery and those responsible for the crimes were brought to justice - even if this does not always reflect convictions.

The various civil society organizations that monitor cases of violence against the Press reported an increase in attacks on journalists in the country in 2018, largely related to the electoral context. The proliferation of disinformation strategies and public discourse increasingly critic of the press have leveraged a sense of distrust towards journalism and journalists. A mistrust that often materialized in hate speech, defamation campaigns, virtual lynchings and abusive legal proceedings. *Systematically, representatives of the public authorities, including the highest levels of government, are protagonists of these episodes, inciting directly or indirectly violence against communicators.*

The Brazilian state has done little to implement its obligations regarding the protection of journalists. The extension of the Human Rights Defenders, Social Communicators and Environmentalists Protection Program, (PPDDH) to deal with the cases of journalists threatened in September 2018 is one of the few concrete measures that go in this direction. However, the formal

1 Folha de São Paulo. As a provisional measure, Bolsonaro creates monitoring of NGOs and international organizations.

2 Valor Econômico. Organizations repudiate Bolsonaro's speech against activism.

3 ICHR Preliminary observations of the IACHR's in loco visit to Brazil.

inclusion still does not mean a real inclusion, since methodologies and specific service protocols were not developed to receive communicators and the disclosure of this inclusion was limited and deficient. It is also worth highlighting the role of the National Council for Human Rights (CNDH), which has acted in a more systematic way on this topic, such as the publication of Recommendation No. 7 of June 2019 that sets specific guidelines for public agents to adopt a discourse that contributes to preventing violence against communicators.



**R**ecommendations 244 and 245 concerning the **Implementation of the Migration Law** (Law 13.445/2017), recognizing its human rights perspective, are partially implemented. Unfortunately, the Migration Law has been under direct attack by the Federal Government. The draft version of the report in question lists a series of ordinances which, according to the government, regulate the greater part of the provisions of the Act, although its preliminary report states in paragraph 7, that it refers to the period from September 2017 through August 2019, the text ominously omits to list Ordinance No. 666 published on July 25, 2019 in the Federal Official Gazette by the Ministry of Justice and Public Security. According to Article 1 of Ordinance 666, its purpose is to regulate “the prevention of entry, repatriation, summary deportation, reduction or cancellation of the period of stay of a person dangerous to the security of Brazil or of a person who has committed an act contrary to the principles and objectives laid down in the Federal Constitution, for the application of the (...) § 6º do art. 50 of law nº 13.445, May 24, 2017” That is, when listing the 12 ordinances, the government omits the number 666 even though it also has, according to the executive, the objective of disciplining devices of the Migration Law. More than 60 civil society organizations that act for human rights and migrant and refugee rights issued a joint note of repudiation stating *“said ordinance ignores the presumption of innocence in preventing entry into the country - including for the purpose of requesting refuge - and in determining repatriation and even summary deportation based on mere suspicion of involvement in crimes, based on information still not proven. In addition, the term “dangerous person” is vague and non-existent in the internal legal system to implement such measures and places the processes in this context under the cloak of secrecy, making social control impossible”*.

The preliminary report also omits the work of the Ministry of Justice and Public Security to amend Law 13.445/2017 by means of an amendment to PL

1928/2019 that currently operates in the Federal Senate. The original bill aimed to extend the temporary visa for young migrants who want to work in the country, but the amendment presented by the head of the government in the Senate, Senator Fernando Bezerra, includes elements similar to that of Ordinance No 666. In presenting the amendment, Senator Bezerra claims he did so at the request of the Ministry of Justice. The preliminary report also does not indicate the Federal Government's attempt, in direct confrontation with the Migration Law, to deport a Turkish naturalized Brazilian citizen. On August 6, 2019, the Second Class of the Federal Supreme Court vetoed Ali Sipahi's extradition request. In his vote, the rapporteur of the case, Minister Edson Fachin, justified that the Migration Law, in its article 82, vetoes extradition when “the extradited person has to answer, in the requesting State, before a court or exception court” and stressed the lack of guarantee of a fair trial in Turkey.



# DISCRIMINATION AND VIOLENCE AGAINST WOMEN AND GIRLS



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Recommendations 176 and 182, which concern *gender equality*, have not been implemented, as there has been a setback in gender equality policies. From 2014 to 2016, the budget for *women's policy* was reduced by 40%, and from 2016 to 2017 by 52% (INESC p.22). EC 95/2016, which stipulated a ceiling for primary expenditure, resulted in a reduction in resources for health, education, housing, that is, setbacks in human rights, especially for women, primarily affecting black women and the poorest, who are mostly in a situation of social vulnerability. The cuts also threaten policies to combat violence against women, and the Ministry of Women, the Family and Human Rights has not made investments in this direction. In addition, the labour market continues to practice wage differences: men have incomes of R\$ 3.2 thousand a month, while women earn R\$ 2.7 thousand and black women earn about half of white men's income<sup>(4)</sup>.

The Recommendation 177, which deals with the adoption of a *law protecting vulnerable women, especially housewives and low-income women*, has not been implemented. What already exists is the Bolsa Família programme, established in 2003 and aimed at families in poverty and extreme poverty, which has women as a priority in the granting of the benefit. However, the program is being devalued by current management and accused of being a way of keeping people dependent on government welfare programs and of having been carried out with electoral interests of the former government<sup>(5)</sup>.

The Recommendation 189 on strengthening *training programs for legal professionals* has not been implemented. There are still in practice conceptions on the part of judges who blame women for the violence suffered. There is a lack of sensitivity on the part

of Public Security agents that attend to the occurrences, as well as moral charges on the part of lawyers and judges<sup>(6)</sup>.

The Recommendation 194 on the implementation of policies to combat *violence against girls and women* has not been implemented. With the change in the federal public administration following the election of President Jair Bolsonaro, the campaign "Commitment and Attitude for the Maria da Penha Law - The Law is Stronger", whose goal is to ensure the correct application of the Maria da Penha Law, has lost strength and visibility, despite the continuing actions of the National Forum of Judges on Domestic and Family Violence against Women (Fonavid), the Permanent Commission to Combat Domestic and Family Violence against Women (Copevid), and the National Council of Attorneys General (CNPAG), which constitute important spaces for discussion, interaction, articulation and improvement of actions to guarantee the rights of women in situations of domestic and family violence.

The Recommendation 191, on the trial of *sexual and gender-based crimes*, was not implemented. Data indicate that, by 2017, state courts had 10,786 femicide cases pending. These data reveal the inability of Brazilian justice to punish those responsible for the crimes. With regard to public security actions, 367,000 new surveys of violence against women were opened in 2018, and at the end of the year there were still 359,000 pending inquiries, a figure of 412,000 in 2016.

The National Council of Justice (CNJ), aiming at improving the judicial provision, has been establishing annually the national goals of the Judiciary. These goals focus on productivity, speed, conciliation,

crimes against public administration, administrative misconduct and electoral offenses, enforcement processes, prioritization of UPR Brazil Coalition actions and major litigants and repetitive appeals, and in 2019, META 8 was established. It consists in prioritizing the prosecution of cases related to *femicide and domestic and family violence* against women. Thus, it was established as a goal for State Justice: "to identify and prosecute, until 12/31/2019, 50% of the pending cases of femicide distributed until 12/31/2018 and 50% of the pending cases of domestic and Family Violence Against Women distributed until 12/31/2018". The data presented by the CNJ itself show that state courts have met 37.47% of Target 8 for femicides and 43.59% for domestic and family violence. These percentages fall short of those presented by the state courts in meeting the other targets (even if considered the low performance - 57,83% - in meeting target 3 - stimulate conciliation).

These data show that state courts have not provided fast, efficient and quality service. In 2017, less than half of the state courts (48.15%) met Target 8, which consisted of "strengthening the network to confront domestic and family Violence Against Women by 12/31/2018". Such information relates only to domestic and family violence against women (Law No. 11.340 of August 7, 2006 - Maria da Penha Law) and femicides (Law No. 13.104 of March 9, 2015, which redrafted Article 121 of Decree-Law No. 2.848 of December 7, 1940 - Criminal Code), and it is not possible to evaluate the trial of other sexual and gender crimes.

Regarding femicide, a crime that sensitized Brazil after the death of lawyer Tatiane Spitzner in July 2018, with the media broadcasting of the scenes of violence that preceded her death, there was prioritization and hardening of trials. The CNJ points out in the Jury Court Diagnosis of Criminal Jurisdiction that, disregarding the extinctions of punishment, during the National Jury Month held in November 2018, convictions for femicide accounted for 87%, while the average conviction for other crimes generally represented 67.4% of the trials.

In the Federal Legislature, two laws were approved in 2019: (1) Law No. 13.836, of June 4, 2019, which adds provision to article 12 of Law No. 11,340 of August 7, 2006, to make mandatory information on the condition of a disabled person of a woman victim of domestic or family aggression; and (2) Law No.

13,827 of May 13, 2019, amends Law No. 11,340, of August 7, 2006 (Maria da Penha Law), to authorize, in the cases that it specifies, the application of an urgent protective measure, by the judicial or police authority, to women in situations of domestic and family violence, or their dependents, and to determine the registration of the urgent protective measure in a database maintained by the National Council of Justice.

Meanwhile, several proposals are being put forward in the National Congress that attack women's rights, such as PL 3369/2019, by Federal Deputy Carlos Jordy - PSL/RJ, which aggravates the penalty of the crime of slanderous denunciation when the false imputation is crimes against sexual dignity, having justification not to allow "women sculptured in bad faith to impute the practice of false criminal conduct to others"[1]. This proposition was motivated by the media repercussion of a report of sexual violence involving the case of the famous soccer player Neymar. The PL, therefore, goes against the promotion of the trial of sexual and/or gender-based crimes, in that it discourages women from denouncing the perpetrators, given the fragility of evidence constitution.<sup>(7)</sup>

The recommendations 109, 178, 179, 180, 183, 184, 186, 187 and 188, which deal *with the fight to end violence against women and girls, and the program "Woman, Living without Violence"*, were not implemented. In the last period, Brazil has not only not increased its efforts, it has also discontinued a number of initiatives and policies in the area of preventing violence against women.

The murder of women on the grounds of gender is an avoidable crime and the data shows an increase in statistics. The study, conducted by the Institute of Economic Research Applied Ipea and the Brazilian Public Security Forum (FBSP), published in the edition of the Atlas of the Violence in 2019, showed that the rate of homicide of women (5.4%) rose above the national average in the fall of 2017 (down 4.2%), with 4.7 cases of deaths of women for every 100 thousand inhabitants. That's the highest rate since 2007. The murder rate of black women has increased even more. The homicide rate for non-black women grew by 4.5% between 2007 and 2017, while the homicide rate for black women grew by 29.9%. Another fact revealed by the survey relates cases of femicide and domestic violence, as in 28.5% of women's homicides, deaths occurred within the home (increased by 17.1% between 2012 and 2017, while the rate of homicides

4 [https://www.inesc.org.br/wp-content/uploads/2018/08/Rel\\_Dir\\_Hum\\_Temp\\_Aust-NOVO-1-\\_V3.pdf?x40748](https://www.inesc.org.br/wp-content/uploads/2018/08/Rel_Dir_Hum_Temp_Aust-NOVO-1-_V3.pdf?x40748)

[https://brasil.elpais.com/brasil/2019/08/18/politica/1566083709\\_326295.html](https://brasil.elpais.com/brasil/2019/08/18/politica/1566083709_326295.html)

<http://agenciabrasil.ebc.com.br/economia/noticia/2019-08/mpt-lanca-observatorio-da-diversidade-e-da-igualdade-de-oportunidade>

<https://smartlabbr.org/diversidade/localidade/0?dimensao=genero>

5 <https://noticias.uol.com.br/politica/ultimas-noticias/2019/08/16/bolsonaro-compara-bolsa-familia-a-tipo-de-conducao-coercitiva-do-pt.htm>

6 <https://www1.folha.uol.com.br/cotidiano/2019/08/lei-maria-da-penha-deu-frutos-mas-falta-sensibilizar-juizes-mostra-estudo-do-cnj.shtml>

7 [http://cnj.jus.br/files/publicacoes/arquivo/5f271e3f54a853da92749ed051cf3059\\_18ead26dd2ab9cb18f8cb59165b61f27.pdf](http://cnj.jus.br/files/publicacoes/arquivo/5f271e3f54a853da92749ed051cf3059_18ead26dd2ab9cb18f8cb59165b61f27.pdf);

<https://www.geledes.org.br/brasil-deixou-impunes-autores-de-10-786-casos-de-assassinato-de-mulheres-em-2017/>;

<https://www.uol.com.br/universa/noticias/redacao/2019/08/07/maria-da-penha-dois-minutos-medida-protetiva-mulheres-violencia-domestica.htm>

of women outside the home fell by 3.3%). Another highlight of Ipea's research is the increase (29.8%) in the rate of homicides of women by firearms within households. The Ipea report points to racial inequality as 66% of all women murdered in the country in 2017 are black women.

Violence against Brazilian Girls is expressed in *child marriage* data in Brazil. In 2016 137,973 marriages/unions of girls and boys up to the age of 19 were held, 28,379 unions of boys and 109,594 unions of girls. Girls are also the majority in child domestic work, and in 2015 they accounted for 94.1% of the sector's workforce. These data amplify the violence to which girls are still exposed in Brazil.

In 2019, the Ministry of Women, Family and Human Rights (MMFDH) was created, in which organizational structure is the National Secretariat of Policies for Women (SNPM). On the official website of the SNPM, information to the public is not clear and accessible, making access to information, evaluation and monitoring impossible. However, the lack of action highlights the discontinuity of the Women Live Without Violence Program, under the allegation that the project has been reformed. In fact, there has been a drastic reduction in investment on the pretext of reducing red tape and optimizing resources. Among the actions of the program is the implementation of the Brazilian Women's House. Although the amount of 13.6 million reais allocated in the 2019 budget for the maintenance of the Brazilian Woman's Houses, the Transparency Portal of the Comptroller General of the Union informs that in 2019 the expenses executed in the program were "R\$ 0", and "this amount is equivalent to 0.00% of public expenditures".

The lack of resources, in addition to failing to comply with the agreements concluded by the union with states and municipalities, violate principles such as the social function of the administrative contract, the unavailability of public goods and services, administrative morality, continuity of Public Service, reasonableness and efficiency of Public Service. They therefore involve abandoning a public policy recognized for its suitability and efficiency in tackling violence against women.

Although the Houses of the Brazilian Woman were foreseen as priority public policies, of the 25 units that were to be delivered by the end of 2019, only 5 are in operation (Campo Grande, São Luís, Fortaleza, Curitiba and Boa Vista).

The projects and campaigns carried out by

the federal government show a bias for the conservative and the disruption of the policies that ran the program "Women, Living Without Violence", such as the project "Embrace of the Marajó island," the campaign "I Respect the Women", the program "Save A Woman" and the "Scalped Women". In this regard, the MESECVI - Committee of Experts of the Follow-up Mechanism of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará Convention) expressed its concern about the sexual exploitation of girls, adolescents, and women in Marajó and considered that Minister Damares Alves's justification for the violence they suffer is an additional form of violence against them. Because of this justification (that the violence stems from the fact that they do not wear panties), the minister proposed, in addition to donations, the creation of panties factories in Marajó to combat violence<sup>(8)</sup>

8 <https://plan.org.br/wp-content/uploads/2019/07/Tirando-o-veu-estudo-casamento-infantil-no-brasil-plan-international.pdf>; [http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio\\_institucional/190605\\_atlas\\_da\\_violencia\\_2019.pdf](http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio_institucional/190605_atlas_da_violencia_2019.pdf)



There is a conflict and a contradiction between the set of intentions of programs and public policies underway, and the result of their implementation in the current political conjuncture of the country. While legal provisions continue their path of liberalization inaugurated by the legalization of same-sex marriage since 2011 (STF ADI 4277/2011), which designates Civil and Family Rights issues, including inheritance; The current government's speech and actions openly condemn these advances that change the recognition of the rights of the LGBTI population. Inflammatory statements by authorities increase the vulnerability of these populations to various types of violence, abrupt and institutional. According to the light report of the work group 2030 Agenda, "at least 420 lesbians, gays, bisexuals and transsexuals were murdered in Brazil in 2018, a country where the life expectancy of trans people is only 35 years. UNAIDS confirms that stigma and discrimination are among the main barriers of LGBT+I population in access to health". The discourse of exclusion to the LGBT population, as a public statement that "marriage is only between man and woman", has kept the country first in cases of violence against that population.

However, in the field of *sexual diversity* and gender identity Brazil has progressed, the National Council of Justice has published rules for people to change name and gender in their birth or marriage certificates directly in the offices. "Provision 73/2018 states that those over the age of 18 may require the alteration of this data" in order to adapt it to the self-perceived identity" This is an advance in recommendation 45, because it influences the perception of the subject in the local space.

All the recommendations in this chapter align with the issue of *crime and violence perpetrated against the LGBT population*. Thus, further progress towards all recommendations made in this area in the third cycle of the UPR (recommendations 39, 40, 41, 43, 44, 45 and 67) took place on June 13, 2019, when the Federal Supreme Court judged that the crime of homo-

phobia and transphobia are crimes of discrimination equivalent to racism (Law 7,716 / 1989). The plenary of the STF understood that there was unconstitutional omission of the National Congress for not editing the law that criminalizes acts of homophobia and transphobia. According to the STF's own text, "[the] judgment of the Direct Action for Unconstitutionality by Default (ADO) 26, by the Rapporteur of Minister Celso de Mello, and the Writ of Injunction (MI) 4733, reported by Minister Edson Fachin. By a majority, the court recognized the National Congress's delay in incriminating acts regarding the fundamental rights of members of the LGBT community."

Consolidation Ordinances (GM / MS No. 02 of September 28, 2017 - Annex XXI, Chapter I) and GM / MS Ordinance No. 2,836 of December 1, 2011 deal with the National Policy for Lesbian, Gay, Bisexual People, Transgender and Transsexuals. They haven't included the intersex population yet. The policy refers to the inclusion on the health card of the categories: sexual orientation (hetero, homo, bi) and gender identity (transvestite, transsexual woman, trans male). They also base the law-force on the sovereignty of name and identity, an important instrument of affirmation and self-esteem.

But, as we announced at the beginning, these advances have been contradicted by the reduction of policies aimed at LGBTI populations, especially with regard to HIV and AIDS prevention. Information materials have been censored, and the subject has become taboo in various electronic media such as radio and television with religious programming.

In addition, according to the transparency Portal and follow Brazil, federal investments for specific actions to combat homophobia went from just over R\$ 3 million in 2008 to R\$ 519,000 in 2016. From 2017 the resource allocation was zero (0). And for 2019 there is not a single item that benefits LGBTI population directly.

As pointed out above, the Brazilian government does not provide answers to the *intersex* question. Given

the invisibility and the extreme need for recognition and specific public policies for our population. According to the World Health Organization's definition, "intersex" is the term used to describe people born with a reproductive system, sexual anatomy, gonads, chromosomes, or sex hormones that do not fit the typical binary definition of male or female.

The current situation is that there is no legislation prohibiting the mutilation of babies and intersex people with the performing non-consensual surgery. Nor is there legislation that observes the gender identity of the intersex person, and it is necessary to change law 6015/1973, contemplating the registration of the intersex individual in diverse sex and guaranteeing the future change of name and gender in the birth settlement from the age of 12. There is also an urgent need for legislation to deal with intersexophobia in medical and educational institutions.

## DISCRIMINATION AND VIOLENCE AGAINST PEOPLE OF AFRICAN DESCENT



The recommendation 46 indicates the need to strengthen *measures to prevent and punish racism*, including discrimination, violence against Indigenous peoples and people of African descent, and violence against women and girls, is not being implemented. In the first case, there is impunity for the judiciary in relation to cases of racism, which are typified as racial injury and most of them are shelved, resulting in the disbelief of the black population in making accusations.

The November 2015 launch of the Map of Violence – Homicide of Women in Brazil, produced by Flacso (Latin American College of Social Sciences), a work coordinated by sociologist Julio Jacobo Waiselfisz,<sup>(9)</sup> highlighted the alarming number of murders of black women<sup>(10)</sup> due to gender and race violence. The *homicide rate for black women* in Brazil was 4.5 per 100,000 inhabitants. Eleven years later, in 2013, the rate rose to 5.4/100,000 inhabitants. By contrast, homicide rates for white women fell from 3.6/100,000 inhabitants in 2003 to 3.2/100,000 inhabitants. In summary, a 54% increase in black women's deaths in 10 years and a 9.7% decrease for white women in the same period. More recently, the Brazilian Public Security Forum and IPEA released data on violence broken down by gender and race, in the following terms: "while the homicide rate for non-black women grew by 1.6% between 2007 and 2017, the homicide rate for black women grew by 29.9%. In absolute figures the difference is even more brutal, since among non-black women the growth is 1.7% and among bla-

ck women 60.5%. Considering only the last year available, the homicide rate for non-black women was 3.2 per 100,000 non-black women, while among black women the rate was 5.6 per 100,000 women in this group."<sup>(11)</sup>

Currently, the Chief Executive, Jair Messias Bolsonaro, corroborates, with his attitudes and public demonstrations, the racism against the quilombola communities in Brazil. Racist behaviour by high public authorities and the tolerance of the justice system towards them have a strong impact on the naturalization of racism within society and public institutions. An episode that took place in 2017, with a judicial decision given in 2019, involving this high public authority deserves to be recorded in this report.

In an event held at the Hebrew Club of Rio de Janeiro on April 3, 2017, then-deputy federal Jair Messias Bolsonaro referred in a discriminatory way to quilombolas, Indigenous people, women, LGBTs and refugees, using terms such as "arobas" and "pro-creating", equating them with animals. He said on the occasion, among other offenses, that: "*this is only an indigenous reservation, it is missing quilombolas, which is another joke. I went in a quilombola, in Eldorado Paulista: look, the lightest aphrodescendant there weighed seven arobas. They don't do anything. I don't think even for breeding they serve anymore.*"<sup>(12)</sup>

In the light of this, CONAQ<sup>(13)</sup> requested the Federal Public Prosecutor's Office to promote the assessment of the facts. The case was brought to the Supreme Court (STF) by complaint of the Public

### 9 2015 Violence Map

10 In this report the term used is "homicide", as the femicide law was only sanctioned on March 9, 2015 - Amending art. 121 of Decree-Law No. 2,848, of December 7, 1940 - Criminal Code, to provide for femicide as a qualifying circumstance of the crime of homicide, and art. 1 of Law No. 8,072 of July 25, 1990, to include femicide in the list of heinous crimes.

11 Atlas of violence 2019 - [http://www.forumseguranca.org.br/wp-content/uploads/2019/06/Atlas-da-Violencia-2019\\_05jun\\_versão-coletiva.pdf](http://www.forumseguranca.org.br/wp-content/uploads/2019/06/Atlas-da-Violencia-2019_05jun_versão-coletiva.pdf), accessed 03/09/2019

12 Engraving of the speech of the accused contained in the judgment issued in the case of Inquiry No. 4694 / DF which was processed in the Supreme Court. Available at: <http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=750302384>

13 The National Coordination of Quilombola Rural Black Communities (CONAQ), founded in 1995, comprising 25 states, is a social movement of national scope that aims to act in defense of the fundamental rights of the black quilombola population. One of the main reasons for CONAQ existence is the fight against racism secularly embedded in Brazilian society and institutions.

Prosecutor for the crime of racism, typified in art. 20, head, of Law No. 7.716/1989: “Practice, induce or incite discrimination or prejudice of race, color, ethnicity, religion or national origin”.

However, the STF closed the case by a decision published in August 2019<sup>(14)</sup>, believing that the speech would not constitute discriminatory content and demonstrations would be part of freedom of expression and protected by parliamentary immunity. By considering the lines that compare blacks and black quilombolas to animals lawful and by deciding that such conduct does not even deserve to be investigated, the Supreme Court's decision in inquiry 4.694-DF contributes to the naturalization of violence against the quilombola communities in Brazil and increases the vulnerability of a population historically affected by structural racism and the lack of basic rights.<sup>(15)</sup>

It is well known that the fight against racism presupposes measures far beyond criminal accountability, but the tolerance of the justice system to such conduct demonstrates, on the one hand, the high degree of naturalization of racism in Brazil and, on the other hand, reveals the incapacity Brazilian justice system in promoting the effective accountability of this type of crime. The judiciary in Brazil is integrated, mostly, by white men, a composition without any correspondence with the racial ethnic diversity of Brazilian society and that makes it very difficult to apply racial penalties.

Also, there is no implementation with Recommendation 60, which provides for the implementation of measures aimed at the prevention of violence and racial discrimination against afro-brazilians and to protect *their cultural heritage and places of worship*, as systematic attacks by neopentecostal religious, christian and drug traffickers against people and terreiros of religions of African origin show that there is no commitment of the Brazilian state to protect the cultural heritage of African descendants.

Due to the expansion of religious fundamentalism in Brazil in recent years, cases of religious racism, attacks and destruction of places of worship, threat and even murder of leaders of religions of African origin have intensified.

*“Country increasingly reports aggression and*

*breakage of terreiros - Every 15 hours, a complaint of discrimination on religious grounds is filed in Brazil, mostly against Afro-Brazilian beliefs”*<sup>(16)</sup>

*“Evangelical traffickers terrorize African religions - Conversion of criminal faction summit to evangelical religion creates unprecedented strand and increases attacks on African religions”*<sup>(17)</sup>

*“Violence in the name of God - attacks against religious grow in proportion never seen in Brazil. Afro cults are the main targets of evangelicals...”*<sup>(18)</sup>

From the perspective of rural communities, it can be argued that neither of these recommendations has been met by the State from time to time, the communities are subjected to a scene of increasing violence, militarization, removal of rights, and the reduction of public resources and, even more, slower territorial titling.

The quilombola communities are immersed in a context of secular racial pressure. Brazil was the last country of the Americas to abolish slavery in 1888, and one of the last to guarantee in law the quilombola right to the territory, which only happened with the Federal Constitution of 1988. However, quilombolas still fight for the recognition and enforcement of basic rights, such as access to health, education, housing and land, among others.

Brazil is currently experiencing a general framework of setbacks in human rights policies, emblematic being the passage Constitutional Amendment 95 (PEC 95) in December 2016. Known as “Death PEC”, which freezes, for twenty years, the primary expenses of each power of the Republic, taking as parameter the year 2016. This budget reduction automatically impacts on public policies guaranteeing quilombola rights. Thus, the protection of quilombola human rights defenders, the titling of quilombola lands and the permanence of quilombola students in Brazilian public universities, for example, are some of the policies severely impacted by the cuts promoted by the federal government.

According to data from the Pastoral Land Commission 1, in 2012 there were 36 “conflict killings in the countryside”, in 2013 there were 34 occur-

ces, in 2014 there were 36, in 2015 there was a jump to 50 murders and in 2016 there were 61 killings for conflicts in the countryside. In 2017, Brazil had the highest number of murders in conflicts in the field in the last 14 years. There were 71 people killed, of whom 31 of the deaths occurred in 5 massacres, which corresponds to 44% of the total.

As far as the quilombola communities are concerned, only in the state of Bahia there were 9 murders recorded, with 6 deaths in a massacre in the community of Iúna, city of Lençóis. Research promoted by CONAQ and Land of Rights reveals that the number of quilombola murders in 2017 has been the highest in ten years<sup>(19)</sup> and the acts of violence committed against quilombolas leaders remain unpunished.

According to the Inter-American Commission on Human Rights<sup>(20)</sup>, violence against people fighting for land in Brazil tends to increase given the incitement to violence that certain rural groups have carried out, in particular against Indigenous, quilombola and landless rural workers.

It is also stressed that the large presence of people linked to the Brazilian Armed Forces in ministries of the Federal Government, and in other political positions of command of the civil government, point to the increase of the violation of human rights in communities that present situations of vulnerability, such as Quilombo Rio dos Macacos (Bahia), Quilombo De Alcântara (Maranhão) and Quilombo de Marambaia (Rio de Janeiro).

Nor has the Brazilian State adopted measures to hold, within a reasonable time, all territories of quilombola communities, within the framework of art. 68 from the Transitional Constitutional Provisions Act of the Brazilian Federal Constitution and Indigenous and Tribal Peoples Convention 169. The state recognizes the existence of 3,200 quilombos in Brazil, while CONAQ, the popular social movement of national representation of the quilombola communities, estimates that there are about 6,000. To date, Brazil has only created the territory of 2% of the quilombola communities. Following this pace would require another 600 years to recognize all 3,200 communities, a reality that tends to worsen in the new government and official recognition may stop, given the reduction of budget for the agenda and the position of the Government contrary to the right to self-definition. In addition, the new chief executive has a discriminatory attitude towards the quilombolas.

The budget for quilombola territories titling foreseen for the year 2019 is only R\$ 3,423,082. 00.

The value represents approximately 13% of the demand for expropriations that have existed since last year, which, in values not updated, corresponds to R\$ 26.068.874, 00. That is, the budget does not cover existing demand and, of course, will not cover new demands.

Not only does Brazil not allocate a minimum adequate budget for the policy of titling of quilombola territories, but Brazil has not equipped National Institute of Colonization and Agrarian Reform, the body responsible for titles. Even among the titling processes that are in the final stages, there are at least 31 cases paralyzed in the Civil House of the Presidency of the Republic awaiting the signing of a decree. It should be noted that since 2018, no decree of expropriation of quilombola territory has been signed, further delaying the titling processes.

To make matters worse, the weakening of the administrative structure that is responsible for the policy of land tenure regularization, on the first day of the term, through the Provisional Measure n° 870, the current President of the Republic have rebased, on the organizational chart, INCRA from the Civil House of the Presidency of the Republic to the Ministry of Agriculture. And the Office of Land Affairs, of said Ministry, which will coordinate the work of INCRA, is now headed by the president of the Rural Democratic Union, Nabhan Garcia, a notorious opponent of public policy of quilombola titling. Thus, the administrative reorganization carried out links the public policy of titling of quilombola territories to a ministry that is hegemonized politically by sectors of agribusiness that historically oppose the implementation of the policy of titling of quilombola territories.

Complementing the framework of violations, it is essential to emphasize that this administrative change took place without the realization of Free, Prior and Informed Consultation, which violates in a frontal way Article 6 of ILO Convention 169.

It is emphasized that the Brazilian State's position contradicts the express position of the Inter-American Commission on Human Rights, which, in preliminary observations at the official visit of the Brazilian State, recommended that “*a national plan for the titling of the quilombola territories be developed through Free, Prior and Informed Consultation to the communities, including goals for the structuring of the National Institute of Colonization and Agrarian Reform (INCRA) and progressive budgetary contribution, in line with Inter-American norms and the internal constitutional order.*”

14 <http://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=750302384>

15 <http://conaq.org.br/noticias/nota-de-repudio-da-conaq-sobre-o-arquivamento-pelo-stf-de-inquerito-contra-bolsonaro-por-crime-de-racismo>

16 <https://super.abril.com.br/sociedade/pais-registra-cada-vez-mais-agressoes-e-quebras-de-terreiro/>, accessed 03/09/2019

17 <https://www.terra.com.br/noticias/brasil/cidades/traficantes-evangelicos-causam-terror-a-religoes-africanas,1780cd9c3e66e3685264918be080ac4db4ddw64t.html>, accessed 03/09/2019

18 <https://istoe.com.br/violencia-em-nome-de-deus/>, accessed 03/09/2019.

19 [https://terradereitos.org.br/uploads/arquivos/\(final\)-Racismo-e-Violencia-Quilombola\\_CONAQ\\_Terra-de-Direitos\\_FN\\_WEB.pdf](https://terradereitos.org.br/uploads/arquivos/(final)-Racismo-e-Violencia-Quilombola_CONAQ_Terra-de-Direitos_FN_WEB.pdf)

Finally, it is important to point out that the non-regularization of territories has a severe impact on the enjoyment and exercise of rights by communities and perpetuates the land conflicts that constitute the scenario in which most of the violence suffered by these communities takes place.

Similarly, Brazil is not implementing the recommendation 68, which indicates the development of strategies to reduce armed violence, particularly among **poor black youth**. According to the Atlas of the Violence 2019, 75% of all victims of violent crime are black, which explicates the non-existence of a security policy with a primary focus on the right to life of the afro-brazilian population, <sup>(21)</sup> which is why it was promoted in the campaign "Stop Killing us", seeking to sensitize civil society and make visible the selective action of public security forces with black people, particularly black men, which explicates the practice of racial filtering in the approaches, as well as civilian deaths justified as self-defense.

The Recommendation 98 provides for increased efforts to abolish **racial profiling** and arbitrary arrest by police and security forces. This indication has not been implemented, the young blacks are the preferential clientele of the justice system in Brazil 64% of the prison population is black and is between 18 and 29 years old.

"With 335 people incarcerated per 100,000, Brazil has higher arrest rate than most countries in the world - It is the 26th highest average among 222 countries/territories, according to the 'World Prison Brief', University of London database. There are, however, discrepancies between the states..." <sup>(22)</sup>

"Brazilian prison system: blacks and poor people in prison - in addition to the precariousness of the prison system, the policies of incarceration and increase of sentence turn, as a rule, against the black and poor population. Of the prisoners, 61.7% are black or brown. It is worth remembering that 53.63% of the Brazilian population have this characteristic." <sup>(23)</sup>

Recommendation 174, which provides for continued efforts to eliminate discrimination, including racial discrimination, in education, is also not implemented. According to data from the 2018 Scho-

ol Census (Inep / MEC) presents the inequalities in Brazilian education based on color, in which black students are the majority in youth and adult education (EJA), where they represent 72.3% of the students. distributed as follows: 75.7% of the basic EJA and 67.2% of the high school EJA; Whites account for 22.2% of basic EJA and 31.6% of high school EJA. The data reveals the neglect of **educational policies with the black population**, and education is still a space for the production and reproduction of inequalities between blacks and non-blacks. Another relevant data about the magnitude of racism in Brazil refers to the suicide of adolescents and young people aged 10 to 29 years, from data from the Ministry of Health for the period 2012-2016, where the suicide mortality rate among white youth and adolescents remained stable from 2012 to 2016 and in the black population the number increased 12% in the period; The analysis of the two groups in 2016 indicates that about 10 suicides in adolescents and young people approximately six occurred in blacks and four in whites. <sup>(24)</sup>

21 Atlas of violence 2019 - [http://www.forumseguranca.org.br/wp-content/uploads/2019/06/Atlas-da-Violencia-2019\\_05jun\\_versao-coletiva.pdf](http://www.forumseguranca.org.br/wp-content/uploads/2019/06/Atlas-da-Violencia-2019_05jun_versao-coletiva.pdf), accessed 03/09/2019

22 <https://g1.globo.com/monitor-da-violencia/noticia/2019/04/28/com-335-pessoas-encarceradas-a-cada-100-mil-brasil-tem-taxa-de-aprisionamento-superior-a-maioria-dos-paises-do-mundo.ghtml>, accessed 03/09/2019.

23 <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/noticias/sistema-carcerario-brasileiro-negros-e-pobres-na-prisao>, accessed 03/09/2019.

24 [http://download.inep.gov.br/educacao\\_basica/censo\\_escolar/notas\\_estatisticas/2018/notas\\_estatisticas\\_censo\\_escolar\\_2018.pdf](http://download.inep.gov.br/educacao_basica/censo_escolar/notas_estatisticas/2018/notas_estatisticas_censo_escolar_2018.pdf)  
<https://g1.globo.com/ciencia-e-saude/noticia/2019/05/21/indice-de-suicidio-entre-jovens-e-adolescentes-negros-cresce-e-e-45percent-maior-do-que-entre-brancos.ghtml>



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The Recommendations 35, 36, 48, 224, 225, 228, 242 and 243, which deals with the strengthening of **measures to prevent and punish racism, discrimination and violence against indigenous peoples** and to raise awareness on **racial & ethnic equality** have not been implemented. The Brazilian state has shown no effort to comply with these recommendations. On the contrary, their actions have moved in the opposite direction, contributing to the worsening of the framework of discrimination and violence against Indigenous Peoples. The current Brazilian president, in public demonstrations, has disseminated prejudiced information that harms the human rights of indigenous peoples and reinforces the racism that threatens them. The president compared the **Indigenous lands** to zoos, the Indigenous people that inhabit them to animals in captivity, and declared the need to integrate these peoples, who would be in a "inferior situation", to the "Real Brazil". The government has also made successive criticisms of the extension of Indigenous lands, especially in the Brazilian Amazon, and the "damage" that would result from the impossibility of economic exploitation of such territories, **stating that it will not demarcate any Indigenous land and that it will propose the opening of such lands for mining, gold-digging and leasing**. The government itself has disseminated a discourse that presents indigenous peoples as people living in poverty, manipulated by foreign non-governmental organizations, and "waste" an enormous potential for latent economic profit in their territories. As if it was not enough, in six months of government, the president issued six different decrees to change the regulation of the carrying of arms in the country, which would make it easier to carry arms to rural owners, which could have dramatic consequences for indigenous populations, already seriously vulnerable to violence caused by land conflicts. Although the decrees have been barred by the National Congress, the government plans to achieve the release of weapons to landowners through a bill currently under negotiation with the Legislature.

Recommendations 229, 230, 231, 232, 233 and 240, which suggest increasing the **democratic participation of indigenous peoples in decision-making processes** and advancing the agenda of Free, Prior and Informed Consent, with **effective consultation processes**, have also not been implemented. Although Convention 169, incorporated into the national legal system, determines prior, free and informed consultation for administrative and legislative measures that may affect Indigenous peoples, the Brazilian state continues without implementing it. Several works and enterprises are planned and executed without observing this right. At the National Congress numerous propositions of laws continue to be discussed without consultation with the affected people. The Brazilian state has taken no action to regulate **Free, Prior and Informed Consultation of Indigenous People**. Not even the autonomous consultation protocols drawn up by indigenous peoples have been respected. The refusal of the Bolsonaro government to effect prior consultation in Brazil was characterized by the administrative measures edited by the president in the first days of government, which promoted changes in the Indigenous policy of the Brazilian state. Without consulting with the Indigenous peoples, and, to the knowledge of the manifestations of a rejection of the Articulation of the Indigenous People of Brazil (APIB), the president intended to transfer to Funai from the Ministry of Justice to the Ministry of Women, Family, and Human Rights, as well as transfer the competence to demarcate Indigenous lands from Funai to the Ministry of Agriculture, Livestock and Supply, dominated by the most radical wing of ruralists. The various demonstrations by Indigenous leaders against the measures did not deter the president from his decisions, which were blocked by the National Congress. Finally, Bolsonaro also intends to regulate mining in Indigenous lands, and has drafted a bill that will be submitted for the approval of the legislative power, once again without any consultation with Indigenous People.

The Recommendations 102, 223, 227, 234, 236,

237, 238, 239, focusing on the *protection of the territorial rights of indigenous people, the assurance of the financial resources of the Funai* and for *protection of the Indigenous people rights*, and the *strengthening of the coordination between Funai and Ibama* have not been implemented. Aggravating the tendency of paralysis in the processes of demarcation of Indigenous lands of the Temer government, President Bolsonaro, who since before he was elected said that he would not demarcate new Indigenous lands, has not demarcated any indigenous territory so far. Funai has also been scrapped by the current government. Bolsonaro attempted, by means of two Provisional Measures, to transfer the power to demarcate Indigenous lands from Funai to the Ministry of Agriculture, Livestock and Supply, dominated by the more radical wing of the ruralists, and nominated Federal Police delegate Marcelo Augusto Xavier, appointed by the ruralist counter, to chair the body. Funai currently operates with one third of its workforce, a situation aggravated by the contingency of 90% of its budget under the 2019 Annual Budget Law. Ibama has been systematically criticized by Bolsonaro and Environment Minister Ricardo Salles, who claim that there is a “environmental fines industry”. Implementing his campaign promise to end this “industry”, President Jair Bolsonaro (PSL) issued in April the Decree 9.760/2019, which favors environmental offenders and criminals by creating extra bureaucracy in the federal administration to “reconcile” fines. President Bolsonaro’s *anti-Indigenous speech* stimulated *invasion and attacks on Indigenous lands*, as well as *threats to their leaderships*, which is in opposition to recommendations 234 and 238. At least 14 homologated Indigenous lands are under attack right now. In 2017, *96 cases of invasion, illegal exploitation of Natural Resources and various damage* to indigenous lands in Brazil were registered. This represents an increase of 62% on the previous year. Investigations into attacks against Indigenous peoples are often precipitated and rarely conducted to the end.

Recommendations 168 and 175 on *intercultural and inclusive education* are not respected. Data from the Ministry of Education itself reveals the precarious material conditions of indigenous schools, without their own buildings, without libraries or differentiated teaching materials. Most Indigenous teachers have precarious and temporary employment contracts. The indigenous school education sector in the Ministry of Education was reduced in the Bolsonaro government, losing status in the new organization chart of the Ministry of Education, as well as losing technicians and budgetary resources. Programs to improve the quality of education in the villages and to train indigenous

teachers have been paralyzed and the Ethnoeducational Territories, which were proposed years ago, as a new model of management of Indigenous school education in the country, are still paralysed and without implementation.

Recommendations 217, 218, 222, 235 and 241 concerning the promotion of *Indigenous health, infant mortality, food and sanitation* in indigenous villages have not been implemented. Indigenous children are at 60% higher risk of dying before they reach the age of one year than other children. Indigenous children also suffer from *food and nutritional insecurity*. A survey in three Guarani-Kaiowá villages showed that 28% of households had people under the age of 18 found in severe food insecurity. There are setbacks in the conduct of the Indigenous health care policy and no new policy has been proposed to improve sanitation, food safety and infant mortality rates. Indigenous villages have been without medical assistance since the restructuring of the More Doctors program (which generated the loss of 81% of the medical board operating in the Special Indigenous Health Districts). The government extinguished the Forum of Presidents of the District Councils of Indigenous Health and tried to abolish the Special Office of Indigenous Health (SESAI) and consequently the Indigenous Health Care Subsystem (SASI-SUS) without consultation with Indigenous People.

According to recommendation 226, economic activities should take into account the rights of indigenous peoples, the environment and biodiversity, but in the last two years, the opposite has happened. The siege of Indigenous lands has increased since the Government of Michel Temer, a trend marked in the government of President Jair Bolsonaro. Today, the Brazilian government seeks to open up indigenous lands to economic activity, with the aim of “developing” the country, but completely ignoring the rights of indigenous peoples and the *impact on the environment*. The government is studying the authorization of mining and gold-digging in indigenous lands, as well as *conducting major infrastructure works in the Amazon*, in addition to *freeing up the exploitation of indigenous lands through agribusiness, soy cultivation and cattle raising*. In addition, despite devastating effects on Indigenous peoples and the environment, the *federal government has released 239 new pesticides in the country since the beginning of 2019*. Environmental protection and monitoring bodies, such as *Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) and Chico Mendes Institute for Biodiversity Conservation (ICMBIO)*, were scrapped and had significant budget cuts, as well as weakened policies to

tackle deforestation and climate change. Government and National Congress have been working to weaken environmental licensing in the country. Environmental accidents with the break-up of mining dams and criminal burning have destroyed the environment, compromising biodiversity and violating Indigenous rights.

Recommendations 46 and 47 on strengthening *policies to prevent and punish discrimination against Indigenous children and to combat violence against Indigenous women and girls from an integral and intercultural* perspective have also not been implemented. Bolsonaro headed the Ministry of Women, Family and Human Rights, which houses the Department of Racial and Ethnic Equality, the lawyer and former legal advisor of the evangelical bench of the National Congress, Damares Alves, who has been notable for the controversial statements on gender issues. On the day of her inauguration, she declared that the country was entering a “new age” in which gender normativity would prevail, and boys would wear only blue, and girls pink. He also stated that “according to her Christian conception” the woman must be submissive to the man in marriage. Regarding the prevention of violence against indigenous women and children, the president’s racist speeches about indigenous people, his public criticism of what he classifies as “exaggerated” extension of the Indigenous Lands and the *defense of their economic exploitation have stimulated invasions of these territories by land grabbers and prospectors*, a fact that makes this public especially vulnerable. According to the Indigenous Missionary Council, the invasions to Indigenous Lands have increased by 150% since the election of Bolsonaro.

# ENVIRONMENT



Recommendation 55, which concerns the *National Policy on Climate Change and Deforestation in the Amazon*, has not been implemented. According to INPE, there was an 8.5% increase in the consolidated annual deforestation rate. The National Institute for Space Research (INPE) is the body responsible for the Amazonian space monitoring system and, in August 2019, after releasing the data that highlighted the acceleration of deforestation, President Jair Bolsonaro exonerated the director of the Institute, Ricardo Magnus Osório Galvão, claiming that the data is lying. On August 10, 2019, the “Day of Fire” took place, in which farmers and farmers collectively organized a date (09/10/2019) to set fire to the forest, increasing the number of fires that, in addition to the loss of biodiversity, changed the climate in many cities of the country, including the Southeast region. Although the fires are not rare in the region, many are purposely caused as part of deforestation and grazing for livestock and commodities production, such as soybean.

The Ministry of the Environment and its minister have acted head-on against the environment, aligned with agrobusiness and industries with major environmental impacts. In this management, environmental councils were extinguished and the implementation of agreements and terms of state partnerships with NGOs was suspended. After the freezing of resources from Germany and Norway to the Amazon Fund, President Jair Bolsonaro refused to support the G7. <sup>(25)</sup>

Recommendation 56 deals, among others, with the need for economic activities to take into account respect for the environment. Here is a very relevant environmental and public health issue in the Brazilian reality: the use of *pesticides in agricultural activities* and their harmful effects on the environment and human health.

From the perspective presented here, the abo-

ve recommendation has not been implemented. This is because Brazil has been moving in the opposite direction to the guidelines on the use of these products consolidated by several UN Special Rapporteurs on the right to water, food, health, among others, and also by the World Health Organization (WHO) and the United Nations Food and Agriculture Organization (FAO).

These institutions have, in recent years, highlighted the risks that the use of pesticides brings to the environment and to people, both in the rural and urban environment, affecting farmers and their families, consumers, children, impacting on water quality. The guidelines of these institutions are unanimous in warning that the use of these substances can cause cancer and chronic toxic effects, reproductive problems and behavioral disorders.

Contrary to these guidelines and the scientific accumulation in the matter, Brazil has made the use of pesticides more flexible and increased in its agricultural activities, including in food production. In the first eight months of 2019 alone, 290 new pesticides were registered. The release of the use of these substances has been done at an extremely fast pace and has included banned substances in several countries. To illustrate the seriousness of the situation in Brazil, it should be mentioned that of the 290 new records, 82 of them have already been banned from other countries.

Five of the top ten pesticides sold in Brazil (Atrazine, Acephate, Carbendazim, Paraquat, Imidacloprid) are not authorized in several other countries due to their risks to human health or ecosystems. In addition, existing Brazilian standards allow higher levels of exposure to *toxic pesticides* than the equivalent in Europe.

As a direct consequence of the increase in the number of registered pesticides has also increased the number of notifications in the public health system of

cases of poisoning by these products. “While the validation number of pesticides by the map in 2015 was 139, and that of the Ministry of Health on intoxication of 12,797 cases; in 2018, the agriculture portfolio approved the use of 450 products in the crop; and the notifications of disease rose to 15,107”. <sup>(26)</sup>

The data is alarming in itself and the reality about the adverse impacts of these products on human health should be even greater than the official records, as the available data on poisoning and health impacts from chronic exposure to dangerous pesticides are limited and there is underreporting.

There is also the prospect of aggravation of this situation, as the Brazilian National Congress is pending Law 6.299/2002, which “amends Articles 3 and 9 of Law No. 7802, of July 11, 1989, which provides for research, experimentation, production, packaging and labeling, transportation, storage, marketing, commercial advertising, utilization, importation, exportation, final destination of waste and packaging, registration, classification, the control, inspection and supervision of pesticides, their components and the like”. <sup>(27)</sup>

This bill aims to review the regulation of the registration of pesticides and their use in Brazil, making the rules more flexible, facilitating the registration and advertising of this type of product and can “weaken the regulation and control of dangerous pesticides in Brazil, the largest consumer and importer of these products in the world” <sup>(28)</sup>.

The bill proposes a new institutional arrangement for decision-making regarding the registration, use and marketing of new pesticides, focusing on the powers in the Ministry of Agriculture, which is historically a occupied by and/or susceptible to the lobbying of agribusiness, to the detriment of other institutions, such as IBAMA and the Brazilian Health Surveillance Agency, more technical and more committed to the protection of human health and the environment.

This led to the sending of a communication from several United Nations rapporteurs to the Brazilian government on June 13, 2018, through which they expressed concerns about the bill. Signed the Communication the mandates of the Special Rapporteur on the issue of human rights obligations regarding the enjoyment of a safe, clean, healthy and sustainable

environment; the Special Rapporteur on the right to food; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on the human rights to safe drinking water and sanitation. Signed at the office of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the human rights to safe drinking water and sanitation <sup>(29)</sup>.

According to the Rapporteurs, if adopted, legislative changes “will violate the human rights of rural workers, local communities and consumers of food produced with the aid of pesticides”. In the Communication, UN experts emphasized that imposing very tight deadlines for pesticide authorization clearly privileges industry's commercial interest over protecting people's rights to life and health; and expressed great concern about “the evident weakening of the role of public health and environmental authorities in the decision making process on the authorization of the use and commercialization of highly toxic products resulting from the proposed institutional framework.” <sup>(30)</sup> They also expressed concerns about the ability of water supply systems to regularly monitor pesticide pollution.

This project, which aims to make the use of agrotoxics in Brazil even more flexible, is in an advanced stage of legislative process, ready to be put to the vote in the plenary of the Chamber of Deputies <sup>(31)</sup>.

25 <https://www1.folha.uol.com.br/ambiente/2019/09/salles-foca-agenda-no-agronegocio-e-deixa-ambientalistas-de-lado.shtml>; <https://g1.globo.com/natureza/noticia/2019/08/07/exoneracao-de-diretor-do-inpe-e-publicada-no-diario-oficial.ghtml>; [http://www.inpe.br/noticias/noticia.php?Cod\\_Noticia=5138](http://www.inpe.br/noticias/noticia.php?Cod_Noticia=5138)

26 <https://www.correiobraziliense.com.br/app/noticia/brasil/2019/09/01/interna-brasil,780159/intoxicacao-por-agrotoxicos-aumenta-com-liberacao-de-produtos.shtml>

27 <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=46249>

28 <https://nacoesunidas.org/mudancas-na-lei-de-agrotoxicos-no-brasil-violariam-direitos-humanos-afirmam-relatores-da-onu/>

29 <https://www.ohchr.org/Documents/Issues/ToxicWastes/Communications/OL-BRA-5-2018.pdf>

30 <https://www.ohchr.org/Documents/Issues/ToxicWastes/Communications/OL-BRA-5-2018.pdf>

31 <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=46249>

# BUSINESS AND HUMAN RIGHTS



Recommendations 51, 52 and 53 refer to the development of a *National Action Plan (NAP)* on Business and Human Rights. However, the elaboration of an NAP finds resistance by segments of Brazilian Civil Society, whose analyses point to systemic weaknesses in such documents. NAPs have failed to provide clarity to companies about the consequences they may face if they do not respect human rights, thus contradicting the binding obligation of states to provide effective remedies for violations committed by companies, as well as their obligation to participate in the reparation procedures for the damage caused. In evaluating 8 NAPs developed until early 2016, Homa - Center for Human Rights and Business, concluded that "the measures proposed in all the national plans analyzed are generic, do not provide implementing mechanisms, do not have a clear methodology for evaluating and monitoring civil society". Another flaw observed by a group of human rights entities was the lack of regulatory options and means to overcome obstacles to access to justice.<sup>(32)</sup>

As a way to deal with such criticisms of the NAPs, from 2018 the Brazilian government engaged in the elaboration of a protocol for implementation of recommendations on Business and Human Rights, later renamed the *Response Plan on Recommendations on Business and Human Rights*, finally publicly disclosed in the first half of 2019.

Civil society organizations expressed concern about aspects of the plan, such as its schedule, consultations with external parties, monitoring criteria and evaluation mechanism. In a follow-up report on the recommendations of the UN Working Group on Business and Human Rights, published in February 2019, the consultations undertaken by the then National Office of Citizenship of the Ministry of Human Rights during the second half of 2018 were highlighted in order to obtain subsidies for the construction of

a document of responses to the recommendations on Business and Human Rights to the Brazilian State. On the occasion, it was stressed that, although the spectrum of entities consulted was broad, there was no public consultation for the construction of the response plan, nor were the criteria that led to the selection of the entities that were consulted by the Ministry of Human Rights clear.

The lack of clarity about the selection of the organizations consulted and the lack of public consultation to obtain subsidies to the Plan affected the quality of the information that served as the basis for the preparation of the recommendations on Business and Human Rights from national and international bodies.

In this respect, the process of drawing up *National Guidelines on Business and Human Rights* is exemplary. Although, on balance, the norm brings promising provisions - such as the inclusion of supply chains as potential focus of breaches under corporate responsibility, priority for reparations and compensation for vulnerable groups, and the need to improve transparency mechanisms and participation - these are overshadowed by the low participatory construction of the document and the option to adopt an optional framework when dealing with companies' human rights obligations. Elements that could be improved if there was a public consultation process on the subject or even the holding of an open seminar aimed at the elaboration of these guidelines.

Finally, it is worth pointing to the very consultation of which this questionnaire is part. The memorandum from the Ministry of Women, Family and Human Rights (MMFDH) that talks about the subject<sup>(33)</sup>, asserts that the purpose of the consultation "is to collect information about initiatives under the responsibility of companies, in addition to promoting new projects". However, such information is collec-

ted through a form with 23 questions, 20 of which are restricted to the possibility of evaluation in four categories (great, good, fair and bad) of the content contained in the statement. Thus, instead of serving as a means of collecting input from business and human rights initiatives, the consultation is intended merely to validate the information gathered by the government itself (given even in the description of the consultation form itself), giving the respondents little leeway to effectively criticize material aspects of the Response Plan.

However, the Part-time Preliminary Report presented by the Brazilian State for public consultation, in paragraph 408<sup>(34)</sup>, highlights as a positive initiative adopted by the Brazilian government the publication of the *Code of Conduct and Respect for Human Rights for Suppliers of Goods and Services of the Ministry of Women, Family and Human Rights*, as approved by Ordinance MDH no. 350, of November 20, 2018. The document would bring elements of what the Ministry considers to be the minimum ethical, sustainable and respectful human rights conduct expected of all companies with which it partners and contracts, making it mandatory to adopt the principles, guidelines and responsibilities contained in the Code at the time of publication of notices, and the inclusion of clauses in contracts, agreements and similar instruments, in order to guide companies and suppliers of the Ministry in implementation with the requirements set forth therein.

It happens that, on August 19, 2019, an Ordinance of the Ministry of Women's Family and Human Rights (No. 2,070 of August 16, 2019) revoked Art. 2 of the Ordinance that had established the Code of Conduct, provision which provided for the adoption of the principles:

*Art. 2 It is mandatory to adopt the principles, guidelines and responsibilities contained in the Code when publishing notices, and the inclusion of clauses in contracts, agreements and similar instruments, in order to guide companies and entities in the implementation of the requirements set forth therein.*

Thus, in practice, the measure announced as positive and an example of good practice was revoked after the publication of the report now under review, demonstrating counterproductive instability in the public policies of the Brazilian State regarding the business and human rights agenda.

32 ICAR, ECCJ, and Dejusticia. "Assessments of Existing National Action Plans (NAPs) on Business and Human Rights", August 2017 Update. Available on <<http://bit.ly/2GauQUG>>. Last accessed: 27.03.2018.

33 Available at: <http://bit.ly/2Loz7Ge>

34 Preliminary half-period report: [https://www.mdh.gov.br/todas-as-noticias/2019/agosto/aberta-consulta-publica-sobre-o-monitoramento-da-situacao-dos-direitos-humanos-no-pais/RPUMeioPeriodo26.08.2019.docx\\_.pdf](https://www.mdh.gov.br/todas-as-noticias/2019/agosto/aberta-consulta-publica-sobre-o-monitoramento-da-situacao-dos-direitos-humanos-no-pais/RPUMeioPeriodo26.08.2019.docx_.pdf)



# (a) CRIMINAL JUSTICE PRISON SYSTEM



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The incarcerated population in Brazil has only increased, and is currently the third in the world, keeping a mostly young, black, poor and male profile. Most of the incarcerated population didn't get a trial. The conditions of most prisons are absolutely inhumane, with torture, mistreatment, cruel and degrading treatment reproduced in these places – as has already been pointed out in the item dealing with the recommendations on torture. The policy for the humane treatment of those convicted through resocialization policies and respect for their human rights is far from being effected. The presence of organized crime within prisons and the inability of the state to offer control over its action further aggravates the situation, so massacres sponsored by public forces or criminal factions have intensified in recent times. The conditions of teenagers imprisonment of also follows in inadequate conditions and without respect for human rights for most of them. The arrest of women also shows the same or more serious situations of disrespect for Human Rights.

As regards recommendations 75, 76, 77, 79, 80, 81, 82, 83, 84, 89, 93, 90, 91, 92, 93 and 103, which is about *improving prison conditions in Brazil*, it has to be said that conditions have only worsened. The National Council of Justice,<sup>(35)</sup> body of the Judiciary, reports that in July 2019 there were 812,000 prisoners in all regimes (closed, semi-open and sheltered) in the country, being that 41.5% of them still had no conviction (a situation that has not changed for four years). The same body also reports that there are 366.5 thousand arrest warrants pending implementation, of which 94% are sought by Justice and the others (6%) are fugitives. According to the Department of National Penitentiary (Depen), a body linked to the Ministry of Justice, executive power, it is estimated that the in-

crease of the prison population has a rate of 8.3% per year, which means that it can reach 1.5 million incarcerated in 2025.

These figures indicate an overcarceration and overcrowding of prisons that have no adequate structure and no vacancies to meet the current volume of incarceration and even less their increase. The National Prison Monitoring Bank - BNMP 2.0: National Prison Registry<sup>(36)</sup>, National Council of Justice, published August 2018 - the most up-to-date profile of the prison population - reports that on August 6, 2018, there were 602,217, of which 95 % men and 5% women. As 40% were without conviction, 24.65% were convicted of provisional execution, 35% were convicted of final execution and the remaining all provisional. Moreover, of this total, 74% was in a closed regime, 24.13% in the semi-open and 1.76% in the open.

The main criminal types imputed to prisoners are theft (27.58%), drug trafficking (24.74%) and homicide (11.27%) and thievery (8.63%) (considering that there are more than 1500 types penalties in all). The same study indicates that the average time spent in prison without conviction is 71.29% under 180 days and 28.71% over 180 days. As far as race is concerned: 43.62% of prisoners are brown, 11.34% black (which sums up to 54.98%), 42.03% white and 3% others. The age group indicates that the vast majority are young, with 30.52% being between 18 and 24 years old and 23.39% between 25 and 29 years old (total sum of 53.91%), 17.42% between 30 and 34 years old, 20.4% from 35 to 45 years old and about 8% aged 45 and over. The education level of incarcerated people has the vast majority with elementary school: 76.3% (52.27% have completed elementary school, 24.04% incomplete elementary school), 2.51% are illiterate, 19.83% have high school education (13.72% comple-

te and 6.11% incomplete) - just over 1% have higher education.

According to the United Nations itself, Brazil is a country whose prison system is marked by extreme overcrowding, causing not only an increase in torture, but also relegating prisoners to an unhealthy environment, equivalent to inhuman, degrading and cruel treatment (UN, 2016)<sup>(37)</sup>. Data from the opening of the Federal Prosecutor's Office in the Argument from Breach of Fundamental Precept No. 607<sup>(38)</sup> pending before the Federal Supreme Court from January 2017 to 2019 July 2019 were recorded 234 deaths in the Brazilian prison system, with the record of eight rebellions: Monte Cristo Penitentiary (Boa Vista, RR), January 2017, 33 dead; Anísio Nobim Penitentiary Complex (Manaus, AM), January 2017, 56 dead; Licorice Prison (Manaus, AM), May 2017, 26 dead; Lar do Garoto Socio-Educational Center (Lagoa Seca, PB), June 2017, 7 dead; CIP (Goiânia, GO), May 2018, 10 adolescents killed; Prison Rogério C Madruga (Natal, RN), 2018, 4 dead; Anísio Jobim Penitentiary Complex (Manaus, AM), May 2019, 40 dead; Altamira Regional Recovery Center (Altamira, PA), 209, 58 dead.

In turn, recommendation 105, which deals with *custody hearings*, is partially implemented. The Department of Monitoring and Supervision of the Prison System and the system for the implementation of Socio-Educational Measures (DMF) of the National Council of Justice reported that, from 2015 to July 2019, 543,000 hearings were held, of which, in 60% of cases, there was the maintenance of pre-trial detention, and in 37%, the granting of provisional freedom.<sup>(39)</sup>

Regarding implementation with Recommendations 78, 106, 107 and 108, which deal with the reduction of *incarceration*, the<sup>(40)</sup> National Justice Council's initiative to implement, in June 2019, a resolution aimed at updating the institutional policy of the Judiciary to promote the application of alternative prison sentences, such as the use of electronic anklets, the prohibition of frequenting certain places, nocturnal home collection, among others aims to contribute to the reduction of the incarcerated population

together with Ordinance MJ No. 495<sup>(41)</sup>, of April 28, 2016, that instituted the national policy of criminal alternatives and set a goal of reducing the prison population by 10% by 2019. This goal, endorsed by the government in May 2017, even in the context of the United Nations Universal Periodic Review is far from expected, even considering the data announced by the National Council of Justice, is far from being achieved. The National Penitentiary Department, the body of the Ministry of Justice and security, the Executive Branch, says<sup>(42)</sup> it works to create 10,000 to 20,000 new places in prisons by the end of 2019. For 2022, the forecast is to increase between 100,000 and 150,000 new vacancies. It should be noted that considering the estimated prison population growth of 8.3% per year, the new spots can not cope with this growth.

Recommendation 94, which deals with *women deprived of Liberty*, is a separate case. It was partially implemented. Although Law #13.434/17 prohibited the use of handcuffs in pregnant women during childbirth (violation of human rights and common sense), its preparation and immediate puerperium, violations of the rights of women deprived of liberty still persist.

Proportionally, Brazil is the third country in the world with the largest female prison population, with 62% of the cases related to drug trafficking assistance. In prison, only 7% are female. Most women, therefore, are caught in mixed establishments. Of these, 90% are considered inadequate for incarcerated pregnant women. Even in women's units, 49% are inadequate for incarcerated pregnant women. Only 3% of mixed units have nursery and/or reference centre for women. In women's prisons, that figure stands at 32%. Only 5% of women's prisons have nurseries, while mixed prisons have none. Among women deprived of freedom in Brazil, 64% have at least one child.

In February 2018, the Federal Supreme Court granted a collective habeas corpus (HC #143.631) in favour of women who are under arrest and are pregnant, puerperous or mothers with children up to 12 years of age or mothers of children and persons with disabilities, of any age, under their care. The replacement of pre-trial house arrest has established restric-

37 According to the report "anti-prison struggle in the contemporary world", drawn up and published by the Prison Pastoral [https://desencarceramento.org.br/wp-content/uploads/2018/09/relatorio\\_luta\\_antiprisional.pdf](https://desencarceramento.org.br/wp-content/uploads/2018/09/relatorio_luta_antiprisional.pdf)

38 <http://redir.stf.jus.br/estfvisualizadorpub/jsp/consultarprocessoeletronico/ConsultarProcessoEletronico.jsf?seqobjetoincidente=5741167>

39 Information provided by the article: <https://g1.globo.com/politica/noticia/2019/07/17/cnj-registra-pelo-menos-812-mil-presos-no-pais-415percent-nao-tem-condenacao.ghtml>

40 This is CNJ resolution #288 of 25/06/2019, available at: <https://www.cnj.jus.br/atos-normativos?documento=2957> for the news about seeing <https://www.cnj.jus.br/noticias/cnj/89150-nova-resolucao-atualiza-politica-do-judiciario-para-alternativas-penais>

41 [http://www.in.gov.br/materia/-/asset\\_publisher/KujrW0TZC2Mb/content/id/22785957/do1-2016-05-02-portaria-n-495-de-28-de-abril-de-2016-22785887](http://www.in.gov.br/materia/-/asset_publisher/KujrW0TZC2Mb/content/id/22785957/do1-2016-05-02-portaria-n-495-de-28-de-abril-de-2016-22785887)

42 See note in <https://www.justica.gov.br/news/collective-nitf-content-1560875707.87>

35 The data reported in 17/07/2019: <https://g1.globo.com/politica/noticia/2019/07/17/cnj-registra-pelo-menos-812-mil-presos-no-pais-415percent-nao-tem-condenacao.ghtml> and <https://www.brasildefato.com.br/2019/07/18/812-mil-presos- apenas-23-municipios-tem-populacao-maior-que-as-prisoas-brasileiras/> and <https://ponte.org/com-812-mil-pessoas-presas-brasil-mantem-a-terceira-maior-populacao-carceraria-do-mundo>

36 <http://www.cnj.jus.br/files/conteudo/arquivo/2018/08/57412abdb54eba909b3e1819fc4c3ef4.pdf>

tions regarding the nature of the crime, except for cases of crimes committed through violence or serious threat, against their descendants or in exceptional situations, which must be duly substantiated by the judges who deny the request for substitution. In December 2018, Law No. 13,769 was passed, which was granted this right by the Code of Criminal Procedure.

In May 2017, according to information from the National Penitentiary Department (DEPEN), more than 15,000 women were temporarily imprisoned in Brazil. The estimate was that about 4,500 women (622 pregnant/lactating women) could benefit from the decision, i.e. 10% of the female prison population in

Brazil, according to data from the Brazilian Institute of Criminal Sciences (IBCCRIM). Despite the decision of the STF and the legal forecast, judicial decisions continue to decree house arrest rather than establish other precautionary measures alternatives to imprisonment (laid down in the law), as well as mostly denying the requests for conversion.



The performance of police forces has not seen significant changes in the period. On the contrary, there has been a worsening incidence of police violence, along with extrajudicial executions and the advance of “public authorisation” by authorities for police violence, including the proposal of legislative measures to encourage it. There has been no progress in the period in terms of public policies to promote the human rights education of state security agents. Popular support for the idea that “a good thug is a dead thug” (in March 2018, 50% of Brazilians agreed with this statement and 37% opposed it, according to IBOPE's research), which provides coverage for the practice of police violence against the population.<sup>(43)</sup> In general, there has been a setback in public security policy. The Unified Public Security System (Susp) was created by Federal Law No. 13,675/2018, according to the Atlas of Violence 2019<sup>(44)</sup>, it is “a first step towards building an institutional architecture that promotes the coordination and accountability of the various federative entities”, but also notes the “absence of a national public security policy” and that public policies in general are “heterogeneous between federation units” and “local public policies end up being driven by day-to-day empiricism, on the basis of improvisation, where the state has long lost control.”

With regard specifically to recommendations 32, 33, 34 and 58, it is noted that police *training programs*, even if they do include human rights issues, this inclusion is not made independently, with a critical approach. In addition, there are no studies on the impact and effectiveness of this type of training in changing the performance standards of the system agents. During the period, there were no massive programs with significant workload to deal with human rights with the security forces. On the contrary, train-

ing policies on this topic ceased, especially due to the closure of the National Committee on Human Rights Education, which was previously linked to the Ministry of Women, Family and Human Rights, which was responsible for implementing the National Program for Human Rights Education, where there was a specific area dedicated to the theme of human rights education of law enforcement officials. It can be concluded, given the increase in police lethality, that the measures of education in human rights in the qualification and trainings of state security agents have had no effect.

Regarding recommendations 61, 63 and 64, it is observed that the advance of positions of public authorities that legitimate the practices of police violence, and even the formulation of legislative proposals that reinforce it, particularly as in the proposal of “exclusion of unlawfulness” - reduction or exemption of penalty for police in armed confrontation, expanding the possibilities of self-defense, contained in the “anti-crime package”,<sup>(45)</sup> a set of legislative proposals presented by the Minister of Justice and Public Security to parliament in 2019.<sup>(46)</sup> The authorities responsible for the investigation of the crimes of the police authorities exist, but they have not produced significant changes in their practices in order to sometimes generate results that more corroborate than inhibit police violence. The persistence of the *militarization of state police* forces helps to ensure that the practices of police violence are not structurally changed.

As far as recommendations 70, 71 and 98 are concerned, there is an increase in police violence: in 2018, Brazil had 6,160 people killed by police officers, 935 more than in 2017 (5,225 registered victims), an 18% increase in the number of victims clashing with police; On the other hand, the number of police of-

43 <https://blogs.oglobo.globo.com/lauro-jardim/post/ibope-50-dos-brasileiros-acham-que-bandido-bom-e-bandido-morto.html>

44 [http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio\\_institucional/190605\\_atlas\\_da\\_violencia\\_2019.pdf](http://www.ipea.gov.br/portal/images/stories/PDFs/relatorio_institucional/190605_atlas_da_violencia_2019.pdf) see P. 94

45 A detailed description of the package can be found in <https://congressoemfoco.uol.com.br/governo/pacote-anticrime-de-moro-ponto-a-ponto-veja-como-a-lei-e-hoje-e-o-que-pode-mudar/>

46 See <https://www.geledes.org.br/nota-tecnica-da-coalizacao-sobre-o-pacote-moro/>

ficars killed was 307, lower than the previous year (374)<sup>(47)</sup>. In Rio de Janeiro, for example, the number of deaths from police violence increased by 46% in the first half of 2019 compared to the same period in 2018, according to the Security Observatory/Cesec.<sup>(48)</sup> With regard to Bill no.4.471/2017, dealing with forensic procedure, body examination, necropsy and investigation in cases where the use of the police force results in death or personal injury, as registered by the House of Representatives, had its last action of processing on 22/03/2018.<sup>(49)</sup> The institutional racism present in the police institutions still makes the majority of victims of police violence black young people. According to the Brazilian Public Safety Yearbook, of the 5,896 bulletins of deaths due to police interventions between 2015 and 2016, 76.1% of the victims were black: 5,769 men and 42 women, much of them young: 35.5% aged between 18 and 29.<sup>(50)</sup>

With regard to recommendations 59 and 62, they are so far considered to be unimplemented. On the presidential table is Bill No. 7,596/2017,<sup>(51)</sup> which deals with crimes of abuse of authority and amending Federal Laws No. 7,960/1989, No. 9,296/1996, No. 8,069/1990 and No. 8,906 / 1994, already approved by Parliament, awaiting a statement by the President of the Republic who has made announcements that part of the approved proposal will be vetoed.<sup>(52)</sup>

47 <http://www.forumseguranca.org.br/wp-content/uploads/2019/03/Anuario-Brasileiro-de-Seguran%C3%A7a-P%C3%ABblica-2018.pdf>; <https://g1.globo.com/monitor-da-violencia/noticia/2019/04/19/numero-de-pessoas-mortas-pela-policia-no-brasil-cresce-em-2018-assassinatos-de-policiais-caem.ghtml>

48 <https://www.ucamcesec.com.br/reportagens/rio-tem-aumento-de-46-de-mortes-por-violencia-policial-no-1o-semester-diz-observatorio-de-seguranca/>

49 <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=556267>

50 [www.cartacapital.com.br/sociedade/racismo-institucional-leva-policia-do-brasil-e-dos-eua-a-matar-mais-negros-e-pobres/](http://www.cartacapital.com.br/sociedade/racismo-institucional-leva-policia-do-brasil-e-dos-eua-a-matar-mais-negros-e-pobres/); <https://exame.abril.com.br/brasil/numero-de-negros-mortos-por-policiais-e-o-triplo-do-de-brancos/>

51 <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2136580>

52 <https://oglobo.globo.com/brasil/bolsonaro-diz-que-vai-vetar-nove-pontos-da-lei-de-abuso-de-autoridade-23919346>



Brazil has developed and installed a *System for the Prevention and Combating of Torture* by the Federal Law no. 12.847/2013 (regulated by Federal Decree no. 8.154/2013), being part of it both The *National Mechanism for the Prevention and Combat of Torture and the National Committee for the Prevention and Combat of Torture*, a significant step towards implementing constitutional responsibilities and international commitments (OPCAT Optional Protocol was adopted by Federal Decree No. 6.085/2007) as regards the prevention and combat of torture. However, the current government has issued Federal Decree 9.831/2019, which injures the autonomy of the mechanism and signifies a setback in this policy. Implementation in the federal units is also low, as we will show. Various reports and studies point to the permanence of torture in Brazil.

With regard to Recommendations 79 and 80, which deal particularly with torture in the prison system, according to Prison Pastoral, an organization that works on the theme, in its Report *“Torture in Times of Mass Incarceration”*,<sup>(53)</sup> there are serious allegations of the existence of torture in the prison system, the most common forms being: beating sessions by multiple agents; degrading conditions of imprisonment; omissions of distress and medical attention; sexual violence involving rape or impalement; humiliating treatments; imposition of prolonged isolation as punishment; among others, which end up generating extreme physical and mental suffering for those deprived of their liberty and sometimes even their deaths. The United Nations Rapporteur Against Torture, Mr Juan Mendez attested the same in his visit (2015) and in his report (2016) noted that the level of tension in Brazilian units is high, in view of the heavy weaponry used by state agents. It was also listed the existence

of a series of credible reports of various forms of torture such as electric shock, use of dogs, beating, rubber bullets, bombs of moral effect, among others. According to the 2018<sup>(54)</sup> Annual Report of the National Mechanism for the Prevention and Combat of Torture, the latest available and with data from 2017, confirms the existence of torture in prisons, in the socio-educational system (adolescents in conflict with the law), in institutions with asylums characteristics and in long-term care institutions and therapeutic communities. Moreover, it states that: *“Torture is a practice that is rooted and naturalized in the country, especially when directed against black bodies - often understood as killable, torturable, disposable, essentially dehumanized and without rights by our institutions. The reiteration of practices in several states indicates that this is a serious national problem, which demands attention not only from local authorities, but also from federal agencies involved with the theme and from civil society in their control and social participation activities, processes of formulation, implementation, evaluation and monitoring of public policies related, directly or indirectly, to the issues explored”* (2018, p. 32). As an example, a study by the Public Defender of the state of Rio de Janeiro<sup>(55)</sup> recorded 931 cases of torture and other cruel, inhuman or degrading treatment or punishment between August 2018 and May 2019 in the state of Rio de Janeiro. The victim profile shows that the majority are male (97%), young (66% are up to 29 years old), black and brown (82.6%) and with low education (76% studied up to elementary school). As for the assaults, most were practiced at the site of the fact by the Military Police (82% of cases for information), being indicated the occurrence of physical and psychological assaults and 57% of cases in which there were apparent injury. According to this study, three

53 <https://carceraria.org.br/wp-content/uploads/2018/12/Tortura-em-tempos-de-encarceramento-em-massa-2018.pdf>

54 <https://www.mdh.gov.br/informacao-ao-cidadao/participacao-social/mecanismo-nacional-de-prevencao-e-combate-a-tortura-mnpct/relatorios-1/RelatorioAnual20172018.pdf>, citation of P. 32.

55 <http://www.defensoria.rj.def.br/uploads/arquivos/4688e3741bd14a60a27c08cf15cdaa43.pdf>. Published 29/07/2019

prisoners suffer with torture every day in Rio de Janeiro.<sup>(56)</sup>

With regard to recommendations 72, 73, 74, 85, 87 and 88, which deal with the *institutional conditions for preventing and combating torture*, it should be noted that Brazil is the first country to go back on this topic.

On June 11, 2019, the Federal Executive Branch published Decree No. 9.831 of June 10, 2019, which terminates the autonomy and operating conditions of the National Mechanism for the Prevention and Combat of Torture (MNPCT), as well as amends the composition of the National Committee for the Prevention and Combat of Torture (CNPCT), in clear retaliation for the actions of these Organs that tirelessly denounce systematic practices of torture in places of deprivation of liberty throughout Brazil, notably in recent reports on Therapeutic Communities, to the Massacres in the Rio Grande do Norte, Roraima and Amazonas Prison Systems and of irregular action in the state of Ceará of a Federal Intervention Task Force (FTIP) created under the Ministry of Justice and Public Security (MJSP). The decree interrupted important inspections that were being planned, causing unprecedented damage to the National Policy for Preventing and Combating Torture.

MNPCT's activities are based on the independence and autonomy of its members, guaranteed through its mandate. Law No. 12.847/2013 provides the composition of 11 experts, elected by the CNPCT, among people with a well-known knowledge and higher education with experience in the area of prevention and combating torture and other cruel, inhuman or degrading treatment or punishment, respecting the diversity of race, colour, ethnicity, gender and region of the country.

In the meantime, this government had already been carrying out acts that weakened the two National Torture Prevention with the non-appointment of members of civil society elected since November 2018 - and the MNPCT experts, which since January 2019 has worked with only seven (07) experts, which directly undermines the full functioning of the Prevention and Fight against Torture in the country. In addition, there was an attempt by the Ministry of Family, Women and Human Rights to prevent MNPCT from acting in the face of a serious scenario of violation of rights that was presented in the prisons of Ceará at the

beginning of the year, in addition to trying to prevent experts from the body from going to 173rd Period of Sections of the IACHR and Regional Meeting of Preventive Mechanisms held in Mexico.

This Federal Government has systematically adopted a policy of affront to international commitments, preventing the action of independent supervisory bodies, reflecting and threatening the functioning of State preventive mechanisms, and endangering the lives of thousands of people it should protect.

Finally, it is worth pointing out that the implementation of mechanisms at the state level is also low, having been done only in Rio de Janeiro (state law n° 5.778/2010), Pernambuco (state law n° 14.683/2012), Rondônia (state law n° 3.262/2013) and Paraíba (state law n° 7.413/2011). It is ongoing, still without implementation: Alagoas (State Law No. 7.141/2009), Espírito Santo (State Law No. 10.006/2013), Maranhão (state law No. 10.334/2015) and Goiás (state law No. 19.684/2017), according to the 2018 report of the National Mechanism.<sup>(57)</sup> That is, of the 27 units of the federation, only 14.81% have already deployed and another 14.81% are in deployment, which means that only 30% of them have already done so.

## RATIFY THE OPTIONAL PROTOCOL TO THE ICESCR



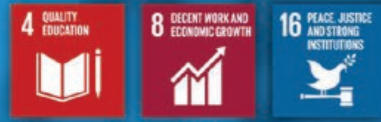
Recommendations 1, 2, 3 and 4, which deal with the accession, signature and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) by the Brazilian State, have not been implemented. Since its second cycle of the UPR in 2012, the country has received recommendations on this issue. In this third cycle alone, there were nine recommendations. Brazil is a country that has historically had a long tradition of building and *adhering to international human rights treaties*, and one of the expressions of deference given to international processes linked to the protection and guarantee of human rights was its own involvement. Brazil in the process of discussion, elaboration and approval of the Optional Protocol, which made it possible to adopt it by consensus.

The ICESCR Optional Protocol entered into force on May 5, 2013, whereby the international community has taken a major step towards addressing “human rights globally and fairly and equitably, and giving them the same emphasis,” as the Vienna Declaration on Human Rights states. In particular, the PF-ICESCR establishes a mechanism whereby rights subjects can report violations of any of their economic, social and cultural rights, as well as require states to be held accountable to the Covenant for their obligations to respect, protect and comply with the rights provided for therein, including human rights to adequate housing, food, water, sanitation, health care, education and social security. However, despite a series of efforts and dialogues and interlocutions conducted by Brazilian civil society, since 2011, Brazil has not yet joined the PF-ICESCR. The latest information on the progress of the process took place during a meeting with the Brazilian mission in the pre-session period of the third cycle of the UPR, in which it was reported that the Brazilian government was still in an internal process to sign and ratify the PF-ICESCR, which is long overdue but not effective.

<sup>56</sup> <https://monitordigital.com.br/denuncias-apontam-que-tres-presos-sofrem-tortura-a-cada-dia-no-rio>

<sup>57</sup> <https://www.mdh.gov.br/informacao-ao-cidadao/participacao-social/mecanismo-nacional-de-prevencao-e-combate-a-tortura-mnpct/relatorios-1/RelatorioAnual20172018.pdf>

## WORK



# 12

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Recommendation 16 was implemented, as Brazil ratified on January 31, 2018, in the Office of the International Labour Organization (ILO) the formal instrument of ratification of convention no 189 on domestic workers and workers. In the meantime, the Recommendations of 9, 10, 11, 12, 13, 14 and 17, which deals with the ratification of the Convention 87 of the ILO, and the completion of internal procedures to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families has not yet been implemented. Brazil is the only Mercosur country that has not yet ratified the convention.

Recommendation 205, which suggests strengthening programs to combat child labour, mainly through inspection, research and preventive measures such as improving the socio-economic conditions of children and the guarantee of access to education are not being implemented.

The 3rd National Plan for the Prevention and Eradication of Child Labor points out that 2.4 million children and adolescents are working in Brazil, according to the Pnad 2016 - IBGE survey.

With almost no indication by the new government to invest in structural and cross-sectoral policies to address child labor, plus intentions to further ease labor laws and the Ministry of Labor's own extinction, there is a latent concern that we may be at risk of increased child labor in the country. Child labor in the fashion industry, which is largely home-based in large urban centers, may grow in such a context, with little or no oversight. There are also debates about the impacts of the possible approval of permissibility to home schooling, another risk factor for child labor to happen in a masked and unpunished way.

## HEALTH



# 13

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The parallel Report 2019 (*Relatório Luz*) shows that there has been a setback in the infant mortality indicator for recommendations 162 and 163, increasing the number of deaths again from 2015 onwards. It also increased the maternal mortality rate again in 2016. These two indicators both point to the end of a cycle of economic prosperity that ends from 2011.

The recent measures of the Ministry of Health on *HIV and AIDS policy* in Brazil are contrary to recommendation 157, with a view to weakening the national strategy to combat HIV. In 2019, Brazil changed the policy framework for addressing HIV/AIDS through a decree that changed the name of the Department of Surveillance, Prevention and Control of Sexually Transmitted Infections, HIV/AIDS and Viral Hepatitis to the Department of Diseases of Chronic Conditions and Sexually Transmitted Infections, lowering the area of HIV/AIDS to coordination. In addition, it included two diseases that are not related to sexual contagion: tuberculosis and leprosy, without this new modification representing more resources. This Decree 9795, of May 17, 2019, agglomerates pathologies with significant differences, diluting resources and wasting accumulated knowledge in each area. The decree is a unilateral decision, running over instances of institutional participation and consultation, contradicting advances in the epidemic response democratically constructed through transparency and social participation.

In addition, the already commented Constitutional Amendment 95, which imposes controlled indexation of the health application floor, imposed a loss of R \$ 8.5 billion in 2019. In addition, Ordinance MS/GM 3992/2017 decreed the end of the SUS funding blocks, undermining the maintenance and expansion of actions to prevent and assist the HIV and AIDS epidemic at state and municipal levels. The result of these various policies to abandon prevention for medical solutions has been the 8% increase in the prevalence of people living with HIV in Brazil over the past ten years, according to a UNAIDS report.

In breach of recommendations 152 and 156, the “More Doctors” program was effectively dismantled, affecting several regions of the country, making it impossible for poor people, such as indigenous people, quilombolas and the rural population to access basic health. The same Decree 9795/2019 changes fundamental points for the functioning of the Special Secretariat of Indigenous Health (SESAI), such as the extinction of personnel and the democratic management of the administration of indigenous health. Such measures reduce the scope of health policies by excluding people with difficult access to services.

The current Minister of the Economy defended a Constitutional Amendment (PEC) that seeks to untangle revenues from the Union Budget, freeing public entities to allocate a minimum percentage of their revenues to health, as currently defined in the Federal Constitution. This policy, coupled with Constitutional Amendment 95, takes away investment in policies for access to services and health promotion, weakening the SUS, thus failing to comply with recommendations 153, 154 and 155, while paving the way for the privatization of public health, which should generate less access, especially for the most vulnerable populations.

Since the beginning of 2018, Brazil has suffered an outbreak of measles, a disease that had been eradicated from the country. This outbreak is associated with low vaccination coverage of the population. In 2017, vaccination in children under one year had the lowest coverage rate in 16 years. These factors contribute to the increase of *infant mortality*, which in Brazil, after decades of fall, have a high rate, failing to comply with recommendation 163.

Another unimplemented recommendation, 155, jeopardises the sustainability of SUS in the short, medium and long term. The increase in the number of Public-Private Partnerships for the management of the hospital services, with costs only on the public revenue, without attracting private investment in additional pledges to the model of innovative financing

for health coverage, being a mere outsourcing of the administration of the hospital. Research in the state of Pernambuco, done by Gestos to the State Board of Health, indicated unjustified overfaturation in the units administered by Social Organizations compared to those administered directly by the Secretariat of Health. Meanwhile, in Rio de Janeiro, the health system collapsed, with a lack of medicines, basic and personal inputs. Meanwhile, as reported in the Luz Report 2018, a "social organization", The Evangelical Mission Kaiowá, received transfers of more than five hundred million reais per year, to run a small health center with low attendance to the indigenous population. This case requires further investigation.

Referring to recommendation 154, the central government initiative and its strategy to reduce **maternal mortality and morbidity** - the Stork Network - focuses on improving the quality of access to health services to ensure maternity safety and affordable access to adequate obstetric care. However, the Stork Network's strictly medical approach leads to an asymmetrically biased continuum for medicalization, as reflected by high rates of caesarean section and other interventions in pregnancy and childbirth (eg, use of oxytocin to accelerate contractions). The way many of these interventions are practiced constitutes "obstetric violence", a term recently abolished from official documents as described above.

Maternal mortality patterns reveal fundamental questions regarding the social and economic status of women in a society (recommendation 153), as well as the state of functioning of a health system. As noted by the CEDAW committee, the death of Alyne da Silva Pimentel Teixeira (the first international court case against a country's health care system) was emblematic, which in turn reflects gender and race discrimination in Brazilian society. . Data from the Ministry of health of 2010 and 2015 indicate that maternal mortality in Brazil has decreased to 60 deaths per 100,000 deliveries in real time, but since 2016 has risen again to 65/100mil.

In February 2017, the Brazilian government in the process of Universal Periodic Review of the Human Rights Council stated that between 1990 and 2013, the number of deaths linked to childbirth and pregnancy decreased by 43%. Despite this progress, the reduction in maternal mortality rate has been uneven, in a country of extreme social and economic inequality, which has caused it to grow again with the return of poverty and extreme poverty.

*Rafaela, a 15-year-old African-Brazilian girl, was admitted with extremely high blood pressure and signs of*

*preeclampsia at the Mariska Ribeiro Women's Hospital in Rio de Janeiro. After delayed treatment, she received inadequate treatment for preeclampsia. Upon entering eclamptic convulsions, Rafaela underwent caesarian labor and died.*

The preventable death of Rafaela Cristina de Souza Santos, on April 24, 2015, illustrates some of the continuing challenges and particular effects on women of the model of care that is submissive to the competent discourse of medicalization adopted and taught in Brazil, involving non-evidence-based use of technologies and procedures by providers, and a neglect of the social determinants of health, which are especially crucial for women's rights, marginalized or not, including those of African and Indigenous descent.

The systematic study of "Birth in Brazil", carried out by the Ministry of Health with the Oswaldo Cruz Foundation, contains recommendations that are targeted to different policy makers and managers, with the advice of health care professionals, health care professionals, universities, researchers, and social movements, with the goal of reducing c-sections in a responsible manner. In addition, the Ministry of Health faces serious challenges to collect systematic and standardized information from both the municipalities and the private sector, generating subnotification and failure to collect disaggregated data.

The difficulty in integrating the various Ministry of Health information systems (DATASUS) with other information collection systems, such as Public Safety or Education, makes it difficult to have up-to-date and disaggregated data to be used for proper planning, especially under an ideological regime of austerity and containment of investment in public health.

Therefore, the setback in information capacity, institutional dismantling, and budgetary contingency for Health and Education announce a deficient framework for the advancement of human rights in the scope of universal health coverage in Brazil.

In relation to sexual and reproductive rights, recommendation 158 is broad and should be analysed in various contexts to ensure materiality. In the last ten years, prenatal care has increased. This led to reduced deaths of babies and mothers during childbirth until 2016, when infant and maternal deaths are growing again (RL 2019: 15).

Brazil is one of the world champions in the use of unnecessary caesarian surgeries. In 2016, according to data from the Ministry of Health, 55.6% of births in the country were by caesarians. In the private network

this percentage rises to 82.6% of the delivered births. At the moment there is a Bill (3635/2019) that increases the right to optional cesarean section, unnecessarily burdening obstetric health services, surgically medicalizing birth in contradiction to the increasing humanization of childbirth as advocated by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW: 1979) and the 2013 Montevideo Consensus (§43 and 45), contrary to recommendation 159, not only in this regard but almost in its entirety.

In contrast to the recognition of care at the time of childbirth, as described in the Montevideo Consensus (2013), the Ministry of Health, on May 3, 2019, carried out an order signed by the General Coordination of women's Health that the term "obstetric violence" of public policy documents should be avoided or abolished. The Ministry's deliberation fails to comply with recommendation 169 by making invisible the violence suffered by women at childbirth, potentiating complications that increase maternal mortality in Brazil, as reported in the section on Sexual and Reproductive Health below.

At the same time, access to and availability of contraceptive methods targeted at women, particularly those for the prevention of sexually transmitted diseases (female condoms), suffered from shortages. This method gives women preventive autonomy. However, sequences of lack of material and the slow work of convincing the population to adopt the method compromise the impact of the initiative.

Adding recommendations 160 and 161, which deal with **access to voluntary termination of pregnancy**, we observed attempts to backtrack on the current policy, not to advance the regulation of abortion as a practice of health and reproductive law. Abortion today represents the fourth leading cause of preventable maternal death in Brazil, occurs spontaneously after high blood pressure during pregnancy, hemorrhage and infections, being the second most performed obstetric procedure in the Unified Health System (SUS). The main victims of clandestine and unsafe abortion are women who are most socially vulnerable. Poor, young, black, Indigenous and rural residents are affected by the low quality of assistance. These women are victims of racism and institutional sexism, based on testimonials about the abortion health service for women, with verbal discrimination against women and girls in maternal health units.

In Brazil abortion is legally accessible only in case of pregnancy at risk to the woman, in case of rape and when there is pregnancy of anencephalic foetus. However, even for these three legal situations, wo-

men's access to legal abortion is still precarious. DATASUS figures indicate that in 2011, 67.4% of women who became pregnant as a result of rape did not stop their pregnancy. Research has shown that reference services are at different stages of implementation and quality of care: some are not working; others most doctors refuse care; and there are services in which, despite being listed as reference, the procedure of termination of pregnancy for victims of sexual violence has never been performed.

In recent years there has been a growth of bills that aim to retreat from reproductive rights. These proposals aim to eliminate the right to abortion provided for in law, on the grounds of the absolute right to life from the conception of embryos and fetuses. For example, parliamentary amendment No. 29 of 2015 proposes to amend Article 5 of the Federal Constitution to include "inviolability of the right to life from conception". In practice, the proposal contributes to legal insecurity in the care of victims of sexual violence, contributing to the increase of unsafe abortion, delay in seeking assistance from women due to fear of being exposed for the practice of abortion.

There are three bills under consideration in the Chamber of Deputies whose contents are against the guarantee of safe abortion: PL 5069/2013, which typifies as a crime against life the announcement of abortion, the Statute of the Unborn (PL 478/2007), which assigns citizenship rights to embryos, and PEC 181, which inscribes the right to life from conception through an amendment to item XVIII of art. 7 of the Federal Constitution to provide for maternity leave in the event of premature birth.

# EDUCATION



The themes related to Recommendations 151, 165, 167, 172, 173 and 174 of the *inclusion of Afrodescendant* in the educational system and in the labour market, are foreseen in goal 8 of the National Education Plan (PNE) and none of its devices were implemented by 2018. The attempt to match the same rate between blacks and non-blacks is one of the most distant from implementation: we are in 89% of the black population on this plateau. The average education, in years of study, of the population from 18 to 29 years - 25% poorer, is in 10.6 years, the goal being 12 years. The average school attendance, in years of study, of the rural population from 18 to 29 years is 6.6 years, compared to the 12 of the national average. The results show that the inequality still remains for the less privileged parts of Brazilian society, especially in the school reality.

Similarly, recommendation 152 has not been implemented. It suggests efforts for inclusive health and education that benefits all sectors of society, unlike what is observed in Brazil with guidelines such as the “School Without Party”, gender, the advancement of religious fundamentalism and education for people with disabilities. The National Campaign for the Right to Education and the Institute for Development and Human Rights, among other organizations, have been conducting, since 2015, several international denunciations about the “School Without Party” and violations that address the issue of *gender equality in education*. The UN Committee on the Rights of the Child; the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), the Member-States through the Universal Periodic Review (UPR) of the UN; and the UN High Commissioner for Human Rights, through the use of various special rapporteurs, have made recommendations against the project and for policies for the

promotion of gender equality in Brazil. Even after so many recommendations, the government continues engaged in this -discriminatory agenda, on the statements of the Minister of Women, Family, and Human Rights, Damara Alves, one of which is the theory of evolution should not be taught in the schools, and that girls should wear pink and boys should wear blue, and that school-based sex education teaches kids to have sex, or that European scientists have influenced Brazilian officials to masturbate babies in schools, among others.

Furthermore, such fundamentalist groups have supported the regulation of Home Schooling, under the pretext that children and adolescents are being indoctrinated - by the plural debate of ideas and by the teaching of disciplines on politics and history - and/or threatened in schools - by classes such as sex education. Again, in a country that still sees high rates of sexual and domestic violence against children and adolescents, where the majority of children and adolescents in child labor in urban areas perform work in domestic environments, in which part of the children and adolescents have as one of the daily food sources the school meals, and in which there is still a lack of basic sanitation, electricity and other housing conditions, such a measure is a threat to the protection and guarantee the safety of millions of children and adolescents.

Regarding education for *people with disabilities*, the legal framework that guides the guarantee of educational rights for them in Brazil (International Convention on the Rights of Persons with Disabilities, Decree 6.949/2009, the National Policy of Special Education in the Perspective of Education Inclusive /2008; Resolution CNE/CEB No. 4/2009; Decree 7.611/2011; Law 13.055/2014 - PNE; Law 13.146/2015 - Brazilian Inclusion Law), seek to create conditions

for the access, permanence and learning of the target public subjects of special education in the school context, engender transformations in the public and private education systems, aiming to guarantee inclusive educational practices that meet the specific needs of all students in regular schools. The challenges implied in the expansion of these significant advances involve the discontinuity of investments in educator training, the lack of management improvement, inclusive pedagogical practices, different dimensions of accessibility, the construction of learning networks, and the establishment of partnerships between actors of the school community and in the intersectoriality of public management. By 2018, it can be seen that there is a large gap between the presence of these students in the school, and their access to specialist care, which points to the need for further investment in school infrastructure and teacher training to effect the inclusion process and respect the differences and needs of each individual.

The construction of an inclusive educational system is far from materializing. Still today it is not possible to quantify the percentage of the population with disabilities, global developmental disorders and high skills/giftedness of 4 to 17 years that are outside school. On the other hand, according to the 2018 School Census, 92.2% of those enrolled attend the common classroom. Among the actions that need to be expanded is the guarantee of offering specialized educational assistance to students who need this support. In the early days of the government, Jair Bolsonaro has declared the end from the (SECAD/MEC) Office of Continued Education, Literacy, Diversity, and Inclusion from the Ministry of Education, which was responsible for ensuring that education is inclusive, and created the Office of the Modalities of Professional Expertise in Education, focused in special education without the inclusion of people with disabilities in the mainstream classes. In view of this action, the National Policy on Special Education from the Perspective of Inclusive Education and the Brazilian Inclusion Law, which regulate the Convention on the Rights of Persons with Disabilities, are under threat.

In the same line of non-implementation, are the recommendations 164, 166, 167, 169, 170, 171 and 200 on the implementation of the **National Plan for Education** and guarantee of access to quality education. Brazil has been facing, in recent years, a serious context of political and economic crisis, accompanied by the non-implementation with national and international educational goals, the weakening of participation instances, and the weakening of democratic institutions. In a climate of political and economic

instability, the government of president Michel Temer has been marked by the emergence of an economic program whose hallmark was the adoption of the Constitutional Amendment 95/2016, which establishes a new tax regime and stated that none of the investments in the social sectors, can be higher than the adjustment of inflation over a period of twenty years, that is, a freeze on resources for education, health care, and social security by 2036.

This is the major current obstacle to the *universalization of access to quality education* in the country by calling into question the implementation of the goals and strategies established by the National Education Plan (PNE - Law No. 13.005/2014) valid until 2024 and, should negatively impact also the next plan, valid between 2024 and 2034. The NEP is the prerogative of the Federal Constitution of 1988 and establishes a ten-year plan with guidelines, goals and strategies for the advancement of the right to education. This policy follows as the country's main public policy for the achievement of SDG 4. With its banishment since its sanction, implementation with both the NEP and SDG 4 are threatened. And since SDG 4 is a key goal to guarantee all the others, we can say that the 2030 Agenda for Brazil itself is at risk. By 2019, only 4 of the 16 goals of the plan had made some progress, but none were fully met.

Not only has it not been achieved, the goal 1 device of the National Education Plan, which foresees for the universalization of access to school for children aged 4 and 5 by 2016, is lagging behind. Since 2014, the first year of the plan's implementation, the education rate has grown only 4 of the 11% needed to reach the expected totality, according to the most recent National Survey per Sample of Residences (2017).

In order for half of the Brazilian children up to 3 years of age to be in school in 2024, as predicted by the Plan, it would be necessary to invest enough to guarantee the access of another 20% of the population in this age group to places in nurseries. By 2017, the increase had been only 4%.

The universalization of access to education proposed by the first provision of Goal 3 of the National Education Plan, which deals with High School, has been behind schedule since 2016, requiring an additional 8% growth to be achieved, according to data from the latest National Survey by Household Sample. It is also necessary to expand investments to reach the 85% age-series adequacy rate of students in this age group.

Without porosity to the criticism of experts and civil society entities, Law 13.415/2017 was appro-

58 A variety of actions with respect to education, have not only not been implemented, as they retreated, in opposition to the recommendations of the universal periodic REVIEW as well as the following international organizations: the prediction of the targets of the ODS-4 AND A/HRC/RES/38/9; A/RES/72/222; CRC/C/BRA/CO/2 to 4; and the recommendations of the Rapporteurs of the UN - L BER 4/2017, and to look for the BRA 4/2018 - recommendations of the inter-American Commission on Human Rights (IACHR), the Organization of American States (OAS), in its 159-Session.

ved, originating from Provisional Measure 746/2016, which imposes a High School Reform that deepens the precariousness of much of the public offering of the last stage basic education in the country. With a minimum curriculum proposal through “formative itineraries”, the reform produces a precarious formation of Brazilian youths and a lack of responsibility for the state towards its constitutional obligation. The trend is to deepen educational and social inequalities, threatening the democratisation of public education and distancing young people from the inalienable right to education with social quality. The law allowed the use of public resources from the Fund for the Maintenance and Development of Basic Education (Fundeb) for the implementation of partnerships with the private sector, including for distance education companies (EaD) to offer courses in this modality and that would be used for the integration of students' curricula in this level of education. The reform has raised this possibility to the extreme by regulating that up to 40% of high school can be done in distance learning.

In 2018, the rate of 93.5% expected for the *literacy* of Brazilians in 2015 had not yet been reached (and this has not yet materialized), and should be increased by almost 7% by 2024 in order to reach the goal 09 of the National Education Plan. The reduction of functional illiteracy remains a challenge for public educational policies. A reduction of more than 15% of the current rate is required until 2024, the end of the period of validity of the PNE. According to INAF (Functional Literacy Indicator), a person who, even knowing how to read and write something simple, does not have the necessary skills to meet the demands of his day-to-day life and enable his personal and professional development is considered functionally illiterate.

The closing of schools in rural areas of Brazil continues to grow. According to a survey by the Federal University of São Carlos (UFSCar), from 2002 to the first half of 2017, about 30,000 rural schools in the country ceased to function. While schools close, enrollment in educational units in the countryside grows in some states. The census released by the National Institute of Educational Studies and Research Anísio Teixeira (INEP) reveals that in the state of Rio de Janeiro there was an increase in the number of registrations in rural school units from 2016 to 2017. According to the survey, there were 3,518 more registrations than in 2016.

When they are not closed, the *schools in the countryside* are scrapped, aggravating the situation of lack of infrastructure. Still, through the budget cuts, the government has extinguished successful and well-

-evaluated programs in national research. This is the case with the Agrarian Reform National Education Program (Pronea), which needed R\$ 30 million to run in 2018, but only had a budget forecast six times smaller.

Among the goals set by the plan, nº 20 establishes to expand *public investment in public education* to reach at least the level of 7% of the GDP in the 5th Year of the law and, at least, the equivalent of 10% of the GDP at the end of the decade and has as strategies to reach the implementation of the Student-Quality Cost (CAQi/CAQ). Little progress has been made in the implementation of these mechanisms and the current Federal Government has been accentuating economic austerity measures with cuts, budget cuts, the threat of untying mandatory constitutional revenues, and trying to cancel or remove the CAQi/CAQ as an obligatory cost of funding the country's basic education.

Recommendation 149, which suggests reducing unemployment rates by strengthening vocational training programs, has not been complied with. In recent years, attempts have been made to encourage, for example, the provision of *education for young people and adults* in an integrated way to vocational education, as foreseen in the National Education Plan (Law 13,005/2014). The plan even establishes as a target the expansion of at least 25% of the registrations for the modality, but in 2017, this percentage did not reach 2%, according to data from the National Survey For Sample of domiciles (Pnad). In other words, if there is no specific policy and efforts aimed at this, it will be difficult to achieve the target proposed in the NEP. On the other hand, the technical education of the secondary level has received several degrees of prioritization in investment in recent years, so there is an oscillation of its expansion. According to data from Pnad 2014, 2015, 2016 and 2017, the expansion rates in relation to 2013 - the starting point of the PNE - were 20,9%, 20,1%, 16%, 17,7%, and 24.2%, respectively. Even so, Brazil is a long way from tripling the offer of vacancies in technical education at medium level, as foreseen in the plan. The public network has seen its network expand, having met the goal of the device that establishes a 50% expansion rate. However, the population's access to higher education is very limited. The percentage of the population aged 18 to 24 who attend or have already completed undergraduate courses is 25.6% (Pnad 2017). The participation of the public network in the expansion of enrolments in Higher Education is still lower, at 11.8% (Pnad 2017). None of the devices of PNE's goal 12, which deals with access to higher education, is close to implementation,

highlighting the participation of the public network in the expansion of enrolments, which remains far from the 40% indicated in the plan.

For its part, Recommendation 67, which deals with the *Education on Human Rights (EDH)* has been only partially satisfied, because although the country has a National action Plan for Human Rights (2003/2006), National Guidelines for Education in Human Rights (2012), and made every effort to include EDH on the Basis of Common National Curriculum (BNCC), this actual government has promoted the dismantling of EDH policies. It is noted that the means of doing the Human Rights Education policy now lack structure, since the area of the Ministry of Education responsible for the portfolio, the Secretariat of Continuing Education, Literacy, Diversity and Inclusion (SECADI) was extinguished and the National Committee of Human Rights Education disjointed. Thus, the Ministry of Women, Family and Human Rights and the Ministry of Education removed the topic from the national political agenda.



01. NATIONAL HUMAN RIGHTS INSTITUTION

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
23	Continue efforts to strengthen the national human rights institutions	Nepal		
24	Continue working to ensure that the National Human Rights Institution gains "A" status in compliance with the Paris Principles	Portugal		
25	Bring its National Human Rights Council in line with the Paris Principles	Sierra Leone		
26	Provide the National Human Rights Council with the necessary resources to enhance its independence to effectively carry out its functions	Uganda		
27	Provide the National Human Rights Council with the necessary budgetary, administrative and political independence to fully implement its functions	Greece		
28	Provide the National Human Rights Council with the budgetary, administrative and political independence, which is necessary to exercise its new mandate	Guatemala		
31	Bring its national human rights institutions, especially the National Human Rights Council, fully in line with the Paris Principles	Poland		

02. HUMAN RIGHTS DEFENDERS

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
57	That anti-terrorism law combats only terrorist groups and does not consider human rights defenders	Iraq		
111	Continue efforts to provide better protection to human rights defenders and strengthen civil society as an essential partner in boosting the human rights system	Tunisia		
113	Provide full implementation of the National Policy for the Protection of Human Rights Defenders	State of Palestine		

02. HUMAN RIGHTS DEFENDERS

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
114	Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders	Netherlands		
115	Restore functionality of the National Programme for the Protection of Human Rights Defenders	Norway		
116	Take more decisive steps towards implementing the National Programme for the Protection of Human Rights Defenders	Poland		
117	Review its respective Decree of 2016 related to protection of human rights defenders in order to ensure wider participation of civil society and enhanced protection of human rights defenders and their families	Slovakia		
118	Implement the National Plan for the Protection of Defenders	Australia		
119	Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources	Czechia		
120	Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks	France		
121	Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multi-disciplinary teams to implement it	Ireland		
122	Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders	Mongolia		

03. MIGRANTS

244	Implement the recently approved new Migrants Law and its human rights perspective on the migration issue	Timor-Leste		
245	Implement the new Migrants Law fully	Greece		

04. DISCRIMINATION AND VIOLENCE AGAINST WOMEN AND GIRLS.

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
176	Continue to implement new policies and expand the coverage and scope of existing ones, to better promote gender equality, in particular for women in the countryside and low-income families	Singapore		
177	Adopt a law to protect vulnerable women, particularly low-income housewives	United Arab Emirates		
182	Strengthen efforts to reduce gender inequalities including to prevent death resulting from violence against women, and to encourage increased reporting of cases of rape	Bahamas		
189	Strengthen its capacity-building programmes for judges and legal personnel on women's rights and violence against women	Thailand		
178	Strengthen its capacity-building programmes for judges and legal personnel on women's rights and violence against women	Russian Federation		
179	Pursue efforts to combat violence against women and promote the rights of women	Sudan		
180	Continue efforts to combat violence, particularly against women	Tunisia		
183	Extend the "Women Living without Violence" programme, with particular attention to women and girls living in the countryside and to women and girls of Afro-Brazilian descent	Belgium		
184	Continue its efforts to combat violence against women and girls	Egypt		
186	Strengthen measures to eliminate violence and discrimination against women and girls, particularly in rural and remote areas	Islamic Republic of Iran		
187	Take measures to combat violence against women and children	Iraq		
188	Continue to adopt and implement effective measures to fight violence against women	Italy		
191	Further strengthen mechanisms fostering prosecution of all perpetrators of sexual and gender-based violence	Slovakia		
194	Increase its focus on policy implementation to combat family violence, and in particular violence against women and children	Australia		

05. DISCRIMINATION AND VIOLENCE AGAINST LGBTI COMMUNITY.

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
39	Take necessary measures to address homophobic and transphobic crime, including by establishing a system for recording such crimes	Sweden		
40	Take urgent measures to adopt legislation sanctioning discrimination and incitement to violence on the grounds of sexual orientation, and investigate and sanction cases of violence against lesbian, gay, bisexual, transgender, intersex and queer persons	Argentina		
41	Continue advancing the promotion of laws and initiatives that ban discrimination and incitement to violence on the grounds of sexual orientation and gender identity, in particular in the case of young persons and adolescents	Chile		
43	Continue taking measures to develop legislation and policies at federal, state and municipal level to punish and prevent hate crimes and discrimination against the lesbian, gay, bisexual, transgender and intersex population	Finland		
44	Approve a specific law, in line with its international human rights obligations, that prohibits discrimination and incitement to violence based on sexual orientation and gender identity	Honduras		
45	Follow measures taken at the national level to ensure that municipalities in Brazil develop specific policies to guarantee rights of lesbian, gay, bisexual, transgender and intersex people	Israel		
67	Ensure that all hate crimes against lesbian, gay, bisexual, transgender and intersex persons are thoroughly investigated and prosecuted and seek to reduce hate by integrating human rights education into school curricula	Canada		

06. DISCRIMINATION AND VIOLENCE AGAINST PEOPLE OF AFRICAN DESCENT.

46	Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls	Rwanda		
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## 06. DISCRIMINATION AND VIOLENCE AGAINST PEOPLE OF AFRICAN DESCENT.

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
60	Continue putting in place measures aimed at preventing violence and racial discrimination against Afro-Brazilians and at protecting their cultural heritage sites and places of worship	Namibia		
68	Undertake strategies to reduce gun violence, particularly among poor black youth	Bahamas		
98	Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces	Indonesia		
174	Continue strengthening efforts to eliminate discrimination, including racial discrimination in education	Indonesia		

## 07. DISCRIMINATION AND VIOLENCE AGAINST INDIGENOUS PEOPLE

35	Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples	Uzbekistan		
36	Carry out specific legislative reform to strengthen measures against discrimination on the basis of gender and ethnicity	Uganda		
46	Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls	Rwanda		
47	Strengthen policies related to the fight against discrimination against indigenous and Afro-Brazilian children and others in vulnerable situations from an integral and intersectoral perspective	Chile		
51	Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities	Netherlands		
102	Establish a mechanism to allow for speedy and correct judicial decisions under strict observance of constitutional and international law regarding the territorial rights of indigenous peoples	Austria		

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## 07. DISCRIMINATION AND VIOLENCE AGAINST INDIGENOUS PEOPLE

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
168	Continue implementing high-quality intercultural education	Peru		
217	Develop and implement policy to address child mortality, malnutrition, health, education and access to sanitation, of indigenous people	South Africa		
218	Adopt effective measures to support Indigenous Peoples, including by ensuring food, health services, schools, and access to sanitary services and by creating conditions for higher incomes	Russian Federation		
222	Continue proactive measures to promote rights of indigenous peoples as well as of the Afro-Brazilian population and ensure their well-being	Bangladesh		
223	Guarantee the constitutional rights of Indigenous peoples including by ensuring the National Indian Foundation has the necessary resources to carry out its work, particularly relating to the demarcation of Indigenous lands, and take measures to conclude investigations into all killings of Indigenous Peoples	Canada		
224	Ensure that indigenous peoples and other minorities are protected against all forms of discrimination	Philippines		
225	Establish mechanisms to eradicate stigma and discrimination against indigenous groups and ethnic minorities, including awareness-raising among public officials, accountability and redress mechanisms	México		
226	Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities	Holy See		
227	Strengthen coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation	Maldives		

07. DISCRIMINATION AND VIOLENCE AGAINST INDIGENOUS PEOPLE

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
228	Take measures to combat violence and discrimination against indigenous peoples	Togo		
229	Establish and implement a clear procedure for free, prior and informed consultation that would ensure full participation of indigenous peoples in the decision-making process regarding any major project impacting on their way of life	Maldives		
230	Guarantee adequate consultation and full participation of indigenous peoples in all legislative and administrative measures affecting them, protect indigenous people including indigenous human rights defenders from threats and attacks, and protect their land rights, in particular by strengthening protection programmers, completing pending land demarcation processes and providing adequate funding and capacity to the Indian National Foundation (FUNAI)	Germany		
231	Continue its efforts to establish effective consultation processes with indigenous communities with respect to any project that may affect the land or livelihoods of indigenous peoples	El Salvador		
232	Ensure an effective consultation process with indigenous peoples in all decision-making that might affect them	Estonia		
233	Ensure indigenous peoples adequate consultation as well as full participation in all legislative or administrative measures affecting them	Iceland		
234	Ensure that indigenous peoples are protected from threats, attacks and forced evictions	Norway		
235	Continue to invest in poverty alleviation policies and to ensure more effective and targeted implementation, so as to reduce social and economic inequality, in particular for rural populations and indigenous peoples	Singapore		
236	Adopt an effective plan of action for the demarcation of indigenous lands and provide the necessary financial resources to ensure an effective policy for the protection of the rights of indigenous peoples and to prevent land-related conflicts	Switzerland		

07. DISCRIMINATION AND VIOLENCE AGAINST INDIGENOUS PEOPLE

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
237	Continue its process of demarcation of indigenous lands	Peru		
238	Take necessary measures to resolve and prevent conflicts related to land issues and to complete the land demarcation processes deriving from Article 231 of the 1988 Constitution	France		
239	Speed up through executive action the processes of demarcation and protection of the lands of indigenous peoples and protect their respective rights	Cabo Verde		
240	Advance with the agenda for the indigenous peoples' right to free, prior and informed consent	Norway		
241	Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys	Paraguay		
242	Develop and implement a comprehensive strategy on fighting discrimination and marginalization of indigenous peoples	Republic of Moldova		
243	Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society	Holy See		

08. ENVIRONMENT

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
55	Continue its efforts on the implementation of the National Policy on Climate Change on reducing deforestation in the Amazon region	Ethiopia		
226	Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities	Holy See		

09. BUSINESS AND HUMAN RIGHTS

51	Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities	Netherlands		
52	Draft a comprehensive national plan of action on business and human rights, that would take into account the United Nations Guiding Principles in this regard	Holy See		
53	Draw up an action plan for business and human rights	Sierra Leone		

10. CRIMINAL JUSTICE:  
A) PRISON SYSTEM

75	Continue taking measures aimed at improving the conditions in prisons and other detention facilities	Namibia		
76	Improve detention conditions, including basic sanitation and access to water, food and medical care	Republic of Korea		
77	Address overcrowding, sanitation, violence, and medical and psychological care in prisons	Sierra Leone		
78	Take measures to reduce over incarceration, notably by encouraging the use of alternative sentencing and by making sure that pre-trial hearings are widely used	Spain		
80	Adopt without delay urgent measures to stop torture, violence, killings and serious overcrowding and degrading conditions in the prisons in Brazil	Bolivarian Republic of Venezuela		
81	Working jointly with the Federal States to improve detention conditions in Brazilian prisons	Algeria		
82	Continue improving prison conditions and reducing overcrowding	Angola		
83	Ensure respect for and protection of human rights for all detainees including by guaranteeing detention conditions in compliance with domestic as well as international law and standards and by protecting against cruel and inhuman treatment	Austria		

10. CRIMINAL JUSTICE:  
A) PRISON SYSTEM

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
84	Improve as quickly as possible the different aspects of prisoners' conditions	Cabo Verde		
89	Continue to make efforts to protect human rights of persons in detention facilities	Holy See		
90	Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system	Ireland		 
91	Enhance efforts to reform the prison system and to ensure the protection of the human rights of all detainees	Italy		
92	Take measures to improve conditions related to treatment of inmates within prisons, through increasing the capacity as already initiated by the Government and through measures for maintaining order within prisons	Japan		
93	Take necessary measures to increase the number of gynaecologists in the Brazilian prison system	Sweden		
94	Incorporate the Bangkok Rules into public policies to protect female inmates and adopt bill 5654/2016 that prohibits the use of handcuffs before, during and after childbirth on women deprived of liberty	Denmark		  
103	Continue its efforts on further improving the judicial system with practical measures	Azerbaijan		  
105	Expand custody hearing programmes to cover all pre-trial detainees by passing draft bill 554/2011. Provide specific training according to the Istanbul Protocol to judges and public prosecutors working in custody hearings	Germany		
106	Ensure that legislation relating to the prison situation and criminal justice is in accordance with international human rights standards	México		
107	Improve judicial processes to minimize the length of pre-trial detention and speed up trials, and consider alternatives to detention to address prison overcrowding	United States of America		
108	Plan and take concrete measures in the mid-term period with the objective of reducing pre-trial time for remand prisoners and reduce the overall number of prisoners awaiting trial rather than serving sentences	Slovenia		

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## 10. CRIMINAL JUSTICE: B) POLICE VIOLENCE

32	Introduce mandatory human rights training for police agencies, and implement an evidence-based policing programme, to reduce deaths from police action by 10 per cent over the universal periodic review cycle	United Kingdom of Great Britain and Northern Ireland		
33	Implement human rights training programmes for the security forces, emphasizing the use of force according to the criteria of necessity and proportionality	Italy		
34	Continue improving human rights education and training for enforcement agencies, public officials, and prison guards	Malaysia		
58	Adopt a code of conduct based on international human rights standards in order to define specific conditions for the use of force by law enforcement officials during protests and riots	Slovakia		
59	Strengthen measures to prevent abuses by some law enforcement officials, including through providing appropriate human rights training	Rwanda		
61	Conduct thorough, impartial, and timely investigations into all allegations of unlawful killings, abuse, torture, and corruption involving security forces and prison personnel	United States of America		
62	Ensure investigations and recommend action against abuses by law enforcers, as a way of curbing violations	Botsuana		
63	Strengthen prevention and effectiveness of investigation of cases of police violence through improved supervision and human rights training of law enforcement personnel, namely the military police, and ensure accountability for any acts of police violence	Czechia		
64	Ensure that acts of violence committed by members of security forces are prosecuted in order to combat impunity	France		
70	Refrain from resorting to violence and extrajudicial executions by the security forces, in particular the so-called "war on drugs"	Bolivarian Republic of Venezuela		
71	End extrajudicial killings and associated impunity, including by passing draft bill No. 4471/2012, by abolishing the classification "resistance to arrest followed by death" and by ensuring that all deaths following police interventions are impartially investigated	Germany		

# APPENDIX

## 10. CRIMINAL JUSTICE: B) POLICE VIOLENCE

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
98	Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces	Indonesia		

## 10. CRIMINAL JUSTICE: C) TORTURE

72	Continue its efforts to combat torture and ill-treatment	Algeria		
73	Intensify efforts aimed at combating and preventing torture and other forms of ill-treatment	Botsuana		
74	Establish a formal adhesion programme which includes the allocation of funds by the federal government to support the national policy on torture prevention	Botsuana		
79	Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture	Turkey		
80	Adopt without delay urgent measures to stop torture, violence, killings and serious overcrowding and degrading conditions in the prisons in Brazil	Bolivarian Republic of Venezuela		
85	Proceed with the enactment of legislation effectively implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at both state and federal level and adopt measures to adhere to the UN Nelson Mandela Rules	Czechia		
87	Create local preventive mechanisms at each state level for effective implementation of the National Mechanism for the Prevention and Combat of Torture	Turkey		
88	Ensure that Local Preventive Mechanisms are created by encouraging states to do so as envisaged by the national law on torture and expand the application of custody hearings to the entire country as set by Resolution 213 of the National Council of Justice	Denmark		

### 11. RATIFY THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
01	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Albania, Angola, Argentina, Montenegro, Portugal		
02	Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	El Salvador; Ukraine		
03	Speed up its accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Gabon		
04	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accept the competence of the Committee as regards the inquiry procedure and inter-State communications	Finland		

### 12. WORK

09	Sign and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Sierra Leone		
10	Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Chile, Indonesia, Sri Lanka		
11	Step up the procedure for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families	Togo		
12	Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Guatemala		
13	Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	El Salvador		
14	Accelerate efforts towards ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189)	Philippines		

### 12. WORK

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
16	Consider ratifying the Domestic Workers Convention, 2011 (No. 189)	Nicaragua		
17	Ratify the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and finalize the domestic procedures to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Ecuador		
205	Further strengthen programmes to address child labour, in particular through inspection, investigation, and preventative measures such as improving socioeconomic conditions for children and ensuring access to education	Liechtenstein		

### 13. HEALTH

152	Continue efforts to develop and implement inclusive health and education policies to benefit all segments of society	Nepal		
153	Continue strengthening efforts for providing quality and accessible health facilities and services to improve the disparity in life expectancy among the populations	Sri Lanka		
154	Continue reinforcing the policy on effective and qualitative access to health services for vulnerable populations, especially women of African descent who still remain the group with the highest mortality	Colombia		
155	Pursue the human and financial investments in the health and hospital services with the aim of reinforcing the health system	Marrocos		
156	Pursue the human and financial investments in the health and hospital services with the aim of reinforcing the health system	Republic of Korea		
157	Ensure continued effectiveness of strategies to combat HIV-AIDS, particularly among youth and other specifically affected groups	Bahamas		
162	Reduce maternal, child and infant morbidity and mortality by promoting effective assistance measures during pregnancy and at the moment of birth	Iceland		

## 14. HEALTH

NUMBER	RECOMMENDATION	STATE	ASSESSMENTS	SDG
163	Improve health care to further reduce child mortality	Islamic Republic of Iran		
158	Ensure access to reproductive health care, including high-quality prenatal care, and information on sexual and reproductive health, contraception and emergency contraception, and safe abortion to all women without discrimination	Switzerland		
159	Ensure universal access to comprehensive sexual and reproductive health services, without discrimination and in accordance with the commitments made, among others, in the Montevideo Consensus	Uruguay		
160	Continue the commitments made in terms of access to the voluntary termination of pregnancy in order to ensure full respect for sexual and reproductive rights	France		
161	Continue expanding access to voluntary termination of pregnancy in order to ensure the full recognition of sexual and reproductive rights	Iceland		

## 14. EDUCATION

149	Continue efforts to reduce unemployment rates, including strengthening vocational training programmes	Libya		
151	Step up efforts to promote, in law and in practice, the inclusion of persons of African descent in the educational system and on the labour market by taking policy measures	Honduras		
166	Ensure adequate funding in implementing the National Education Plan, and undertake progress reports on its implementation to improve transparency and accountability	Malaysia		
173	Improve the quality of public education, particularly for those who live below the poverty line, particularly Afro-Brazilians, with focus on psychological health and integrating psychosocial elements in order to achieve a better learning environment	Haiti		
175	Set up plans promoting inclusive education of ethnic minorities, which have high levels of school dropout	Paraguay		
164	Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024	Israel		

## 14. EDUCATION

165	Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status	Japan		
167	Pursue efforts aimed at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, in particular in rural areas	Marrocos		
168	Continue implementing high-quality intercultural education	Peru		
169	Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030	Republic of Korea		
170	Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education	Turkey		
171	Continue the implementation of the education plan of 2014-2016	Sudan		
172	Increase investment in education infrastructure and promote the educational level in rural areas	China		
200	Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health	United Arab Emirates		
205	Further strengthen programmes to address child labour, in particular through inspection, investigation, and preventative measures such as improving socioeconomic conditions for children and ensuring access to education	Liechtenstein		



