

COLETIVO  
**RPU**  
BRASIL



*UPR*  
*Brazil*  
*Coalition*

*Single Volume*



## Health and dignified life



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Gestos (soropositividade, comunicação, gênero)

### **TEXT**

Associação Brasileira Interdisciplinar de AIDS (ABIA)

Articulação para o Monitoramento dos Direitos Humanos (AMDH)

Centro de Educação e Assessoramento Popular (CEAP)

Comitê Latino-americano e do Caribe para a Defesa dos  
Direitos das Mulheres (CLADEM) Brasil

Gestos (soropositividade, comunicação, gênero)

Movimento Nacional de Reintegração das Pessoas  
Atingidas pela Hanseníase (MORHAN)

Themis – Gênero, Justiça e Direitos Humanos

### **ART**

Artist: Etiene Flor

## Gender equality and non- discrimination



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Comitê Latino-americano e do Caribe para a Defesa dos Direitos  
das Mulheres (CLADEM) Brasil

### **TEXT**

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

Campanha Nacional pelo Direito à Educação

Comitê Latino-americano e do Caribe para a Defesa dos  
Direitos das Mulheres (CLADEM) Brasil

Geledés

Justiça Global

SOS Corpo

Themis – Gênero, Justiça e Direitos Humanos

### **ART**

Artist: Patricia Kunrath Silva



## Human rights defenders and democratic spaces



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Movimento Nacional de Direitos Humanos (MNDH Brasil)

### **TEXT**

Artigo 19

Fórum Ecumênico Act Brasil (FeACT)

Justiça Global

Intervozes

Movimento Nacional de Direitos Humanos (MNDH)

### **ART**

Artist: Gabriela Fernandes

## Children and adolescents and decent work



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil (FNPETI)

### **TEXT**

Campanha Nacional pelo Direito à Educação

Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP)

Movimento Nacional de Direitos Humanos (MNDH Brasil)

UNISOL - Central de Cooperativas e Empreendimentos Solidários do Brasil

Themis

### **ART**

Artist: Alberto Lacet



## Education, austerity and discrimination



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Campanha Nacional pelo Direito à Educação

### **TEXT**

Campanha Nacional pelo Direito à Educação

Geledés

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **ART**

Artist: Larissa Dutra

## Poverty reduction and fight against inequalities



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Centro de Direitos Econômicos e Sociais (CDES)

### **TEXT**

Articulação para o Monitoramento dos Direitos Humanos (AMDH)

Centro de Direitos Econômicos e Sociais (CDES)

FIAN - Brasil

FNRU - Fórum Nacional da Reforma Urbana

Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil (FNPETI)

ONDAS - Observatório dos Direitos à Água e ao Saneamento

### **ART**

Artist: W. Chavarry



## Indigenous peoples and the environment



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Rede de Cooperação Amazônica (RCA)

### **TEXT**

Articulação dos Povos Indígenas do Brasil (APIB)

Instituto de Pesquisa e Formação Indígena (IEPÉ)

Movimento dos Atingidos por Barragens (MAB)

Rede de Cooperação Amazônica (RCA)

### **ART**

Artist: Nat Grego



## Criminal Justice: System, Public Security, Prevention and Fight against Torture

### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Justiça Global

### **TEXT**

Conectas Direitos Humanos

Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP)

Instituto de Defesa do Direito de Defesa (IDDD)

Justiça Global

Movimento Nacional de Direitos Humanos (MNDH Brasil)

### **ART**

Artist: Alex Frechette





## Migration, refuge, racism and (in)equalities

### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Conectas Direitos Humanos

### **TEXT**

Campanha Nacional pelo Direito à Educação

Coordenação Nacional de Articulação das Comunidades Negras Rurais (CONAQ)

Geledés

Instituto Migrações e Direitos Humanos (IMDH)

Terra de Direitos

### **ART**

Artist: Iracema Barbosa



## Obligations and Commitments to Human Rights

### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Articulação para o Monitoramento dos Direitos Humanos (AMDH)

### **TEXT**

Articulação para o Monitoramento dos Direitos Humanos (AMDH)

Campanha Nacional pelo Direito à Educação

Instituto Brasileiro de Análises Sociais e Econômicas - IBASE

Movimento Nacional de Direitos Humanos (MNDH Brasil)

Processo de Articulação e Diálogo Internacional - PAD

Organização de Direitos Humanos - Projeto Legal

SOS Corpo - Instituto Feminista para a Democracia

UNISOL - Central de Cooperativas e Empreendimentos  
Solidários do Brasil

### **ART**

Artist: Martha Niklaus

## Business and Human Rights



### **ORGANIZATION**

Instituto de Desenvolvimento e Direitos Humanos (IDDH)

### **WORKING GROUP COORDINATION**

Movimento dos Atingidos por Barragens (MAB)

### **TEXT**

Movimento dos Atingidos por Barragens (MAB)

### **ART**

Artista: Judith Cavalcanti

### **GRAMMAR REVIEW**

Marília Garcia Boldorini

### **ENGLISH VERSION**

Punchard Traduções e Assessoria Ltda.

### **DESIGN**

Tayane da Costa

# UPR Brazil Coalition

Joint Submission sent to the United Nations High Commissioner for Human Rights as a parallel report of civil society to attend the Universal Periodic Review Working Group in its 41st Session (Nov 2022), 4th cycle of Brazil

2022



**FRIEDRICH  
EBERT  
STIFTUNG**



**Coordination:** Instituto de Desenvolvimento e Direitos Humanos

- IDDH (Institute for Development and Human Rights)

**Contact:** Brazil UPR Platform - [iddhrpu@gmail.com](mailto:iddhrpu@gmail.com)

March 2022



# About the **UPR Coalition**

The UPR Brazil Coalition is a coalition composed of 31 entities, networks and collective groups of Brazilian civil society. From its creation, since 2017, it has monitored the human rights in the country through the United Nations Universal Periodic Review (UPR) mechanism.

In 2019, it drafted its first Mid-Term Report, in which it assessed 163 recommendations of the 242 accepted by Brazil in this 3rd cycle. From these, 142 were considered as not implemented, 20 partially implemented and only 1 implemented.

In 2020, on the grounds of the pandemic of the novel coronavirus, the UPR Brazil Coalition opted to prepare a new report, called "Civil society report: Human Rights Universal Periodic Review in the Context of Covid-19", whose objective was to denounce

in-depth violations of human rights that have already been evidenced by the group, as well as to record new violations that have occurred at this time of institutional, health and economic crises, as a result, but not only, of the Covid-19 pandemic.

The Report in the Context of Covid-19 evaluated 190 recommendations, 142 of which were considered as not implemented, 47 partially implemented and only 1 was considered to be implemented.

Considering the civic participation in the UPR process, Brazilian civil society participates in the preparation of parallel reports. For this, in this transition from the 3rd to the 4th cycle, the UPR Brazil Coalition articulated to evaluate here the 242 recommendations accepted by the Brazilian State in 2017.



# *Easily navigate through document*

*This is an interactive PDF.*



Click on the arrows to proceed or return to a page;



Use the "S" symbol to go straight to the Summary with the chapters;



Go to the desired chapter by clicking in the number corresponds to it;

[Blue underlined word](#)

To check external content, just click on the hyperlink as in the example to the side.

*Good reading.*

For the drafting of this report, following a methodology similar to that of the [Mid-Term](#) and in the [context of Covid-19 Reports](#), the UPR Brazil Coalition selected and evaluated 242 recommendations, divided into 11 joint submissions, based on topics of human rights and the public affected.

**Thus, It features:**

- a) the assessments of the recommendations, indicating the level of compliance with these as “Implemented”, “Partially implemented” or “Not implemented”. In the latter case, indicating whether the topic assessed, in addition to not being implemented, is also in a situation of setback;
- b) for each evaluation, it presents a small text containing data (laws, public policies, official publications, newspaper articles, among others) that justify the assessment;
- c) associated with one or more of the Sustainable Development Goals (SDGs) of the 2030 Agenda.



<sup>1</sup>Civil Society Mid-Term Report | 3rd cycle of the UPR. Mid-Term Report

<sup>2</sup>Civil society report: Human Rights Universal Periodic Review in the context of Covid-19. Relatório RPU.indd (plataformarpu.org.br)



# Summary

Reports prepared by UPR Coalition:

1

**Health and dignified life:**

Right to health; Sexual and reproductive health; **p.22**

2

**Gender equality and non-discrimination:**

Sexual orientation and gender identity; Discrimination against women; Violence against women; Participation of women in political and public life; **p.38**

3

**Human rights defenders and democratic spaces:**

Female and male human rights defenders; Freedom of expression and the right to communication; Human rights and anti-terrorism; **p.57**

4

**Children and adolescents and decent work:**

Children and Adolescents; Labor; Prohibition of slavery; Human trafficking; **p.70**





# Summary

Reports prepared by UPR Coalition:



**Education, austerity and discrimination:**

Right to education; Education in Human Rights; **p.90**



**Poverty reduction and the fight against**

**inequalities:** Right to adequate housing; Right to an adequate standard of living (poverty reduction and the fight against inequalities); Human rights, drinking water and sanitation; Right to adequate food and nutrition, Food security; **p.100**



**Indigenous Peoples and the Environment:**

Indigenous peoples; Environment; **p.118**



**Criminal Justice: Prison System, Public Security,**

**and Torture:** Extrajudicial, summary or arbitrary executions; Prohibition of torture and cruel, inhuman or degrading treatment; Detention; Administration of justice and fair trial; **p.140**







# Summary

Reports prepared by UPR Coalition:

9

**Migration, refuge, racism and (in)equalities:** Migrants and refugees; Racism; Equality and non-discrimination; Persons with disabilities; Quilombolas; **p.160**

10

**Obligations and Commitments to Human Rights:** Institutions and policies; Constitutional and legislative framework; Acceptance of international standards; International cooperation; National Institution of Human Rights (NHRI); **p.176**

11

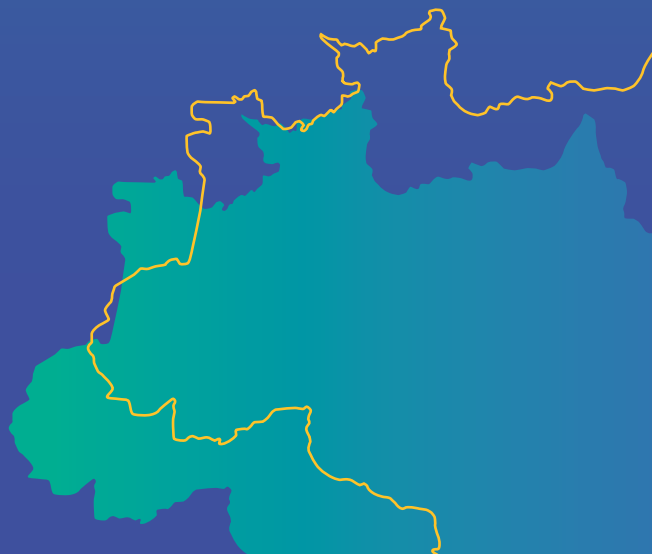
**Business and Human Rights:** Business; Human Rights. **p.200**



## *Hope under Torture*

This report of the UPR Brazil Coalition, corroborates with a set of reports produced by civil society organized in 2021. Based on material evidence through official data, collected and systematized by non-governmental organizations, show a country that is taking a serious step backwards in legally settled rights and moves toward socio-environmental and political barbarism, as a result of the direct actions of the current federal government and its allies in subnational governments and in the National Congress. Through forged alliances in exchange for the release of public resources without transparency or republican criteria<sup>1</sup>, the politics in the country are a farce with institutional backing that consumes the public coffers to expand the private privileges of those elected.

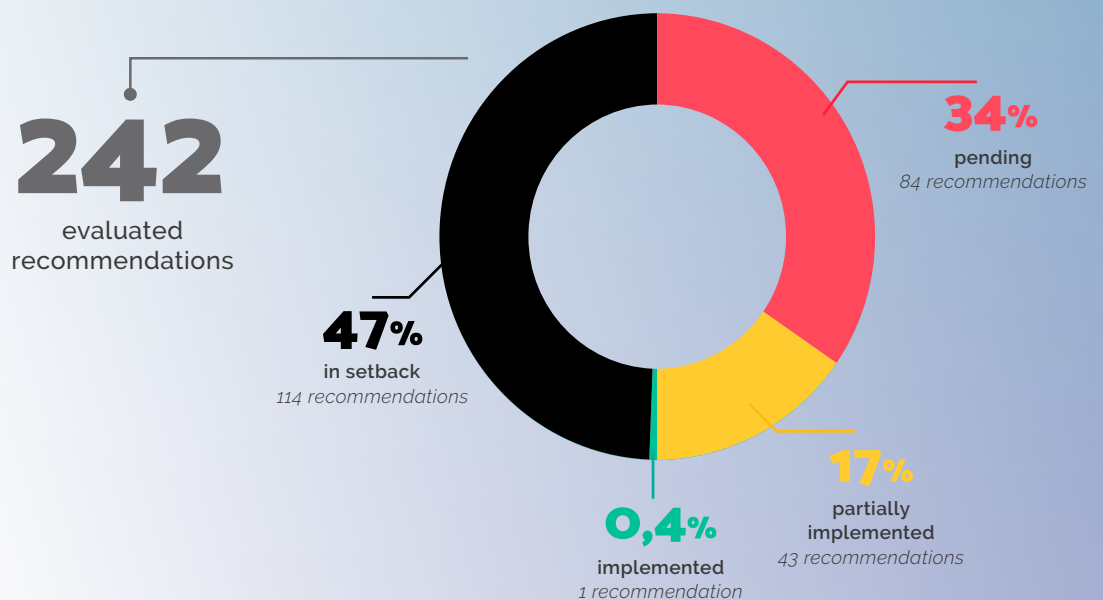
<sup>1</sup>Secret budget was of R\$ 16 billion in 2021



# Executive Summary

The UPR Brazil Coalition this year evaluated 242 recommendations made by countries in the UN Human Rights Council to Brazil. The analyses indicate a very serious situation: almost half (**47%**) of all the recommendations, besides not being put into practice, are in setback. By adding up to one third (**34%**) of the constantly pending items, **80% of them are not being implemented**. Only **17%** of the recommendations are being partially implemented and **only one has been implemented**.

## Overview



This report, therefore, portrays the weakening of the capacity of public institutions to serve the population of the country and, in relation to the international community, more than neglect in complying with the agreements, indicates the violations of the Brazilian state in relation to the socioeconomic and environmental rights.

In the following chapters, we present the dismantling of public policies structured for Brazil, particularly those directed at the most vulnerable populations, and which have been improving in recent decades to reduce social, racial, gender and economic inequalities.

Faced with the challenges presented, we urgently call on the democratic institutions of the republic to reverse the current setbacks, including the proven inadequate management of the new coronavirus pandemic that has already led to the death, at the closing of this report, of more than 620,000 people. [The research of the Institute of Public Health of the University of São Paulo in partnership with the non-governmental organization Conectas Direitos Humanos<sup>2</sup>](#), mapped 3,049 norms, laws and administrative acts of the federal government during the first year of the pandemic that show the evident intention of spreading the virus in the country, with the aim of social, ethnic and economic cleansing, taking into account the percentage of contingency of unintentional "casualties", demonstrating the logic of the shrewd military thinking. [Another evidence of the announcement made by the president himself in his inaugural speech that he had not come to build, but to destroy<sup>3</sup>](#).

<sup>2</sup>Pandemic Rights Bulletin no. 10: Mapping and analyses of the legal rules of response to the Covid-19 in Brazil. São Paulo: January 20, 2021. Available on: <https://cepedisa.org.br/publicacoes/>

<sup>3</sup>Bolsonaro: I have not come to build anything, I am here to destroy – Iser Assessoria; 1,000 days of infamy, counter-orders and restlessness | Articles by Elias Fragoso | Opinião - Jornal Extra de Alagoas



The data presented here, produced by the technical body of the public institutions in their areas, show a Brazil in a collision course with the agreements and commitments that it built and assumed of promoting, defending and repairing human rights and with the reduction of inequalities. They are evidence of a perpetual state of exception as a method of administration, generating loss of resources and, worse, of human lives and ecosystems.

Brazil continues to be one of the most dangerous countries for advocates of rights, in particular environmental activists, and trans people around the world. While we were writing this summary, in January 2022, [three people from a family of riparian environmentalists in Pará were executed<sup>4</sup>](#), adding to a series of executions in that territory that have still not been punished in the court of law. Moreover, the country occupies the four worst places in the rankings of murder of indigenous people, women and gay people; with the structural racism of the public security system revealing itself in the deaths practiced by the police against young people, mostly black and residents of the poorest communities of the Brazilian metropolises. In addition, we emphasize the ongoing attack on indigenous peoples who have seen the violation of their territories and rights grow exponentially: according to Articulação dos Povos Indígenas do Brasil (APIB), the Bolsonaro government has transformed its hate speech into state policy, aggravating a situation that was already quite fragile as shown in other parts of the country by the UPR: the current government is working on the non-demarcation of more indigenous territories and to make environmental protection more flexible for those territories already demarcated and approved.

<sup>4</sup>Riverine people are slaughtered in an area of deforestation in PA - January 13, 2022 - Cotidiano - Folha







The country has also lost in terms of transparency. And it is not only the President of the Republic's vaccination certificate that has been kept secret, but efforts are growing to make government documents, which should be public, a State secret. In addition to the funding cut of institutions, such as the Brazilian Institute of Geography and Statistics and the data collection mechanisms, such as CENSO, there are strong attacks on the Law on Access to Information. While it shows data security fragility through the alleged attack on the base of the Ministry of Health, or when the president of the STF accuses the President of the Republic of leaking passwords from TSE servers. In addition to this, the very serious institutionalized violence against journalists and communicators through threats, censorship, illegal seizure of equipment, surveillance, defamation and even physical violence. The issue has been a matter of concern of international entities, since the Federal Government itself is actively responsible for promoting and legitimizing disrespect concerning freedom of the press.

Not even children escape the national indifference, as indicated by the increase in infant mortality in the country, and the obstacles resulting from the Covid-19 pandemic, which forced millions of children missed classes because of the difficulty of accessing them remotely. The reduction in investments in the fields of education, science and technology, contribute towards setbacks in these sectors and anticipate a medium and long-term impact on the sustainable development process itself. The country is plunged into numerous crises, with politics being the most acute of them all, by preventing the adoption of solutions to the economic stagnation and to two other ongoing cognitive epidemics, which are that of scientific



denialism and disinformation, where hard-won programs and services are questioned by government occupants with theses anchored on fake news and misrepresentation of History.

In addition to this situation, the increased vocalization of the sexist and LGBTQI+phobic groups, fed by a reactionary ideology, under the direction of a government-run somber theocratic military-matrix that deprives rights through the destructuring of public policies aimed at eliminating poverty and reducing inequalities. We have seen, for example, 54% growth in the number of femicides [\(which continue to be in most cases practiced by partners and former partners<sup>5</sup>\)](#), but instead of protection, the government stimulates the culture of violence, promoting the individual possession of weapons and the liberalization of possession.

The context is of a political culture that fuels economic inequalities and institutionally stigmatizing and violent prejudice, including more xenophobic attitudes toward immigrants from South America and Africa.

<sup>5</sup>FBSP Yearbook, 2021: <https://forumseguranca.org.br/anuario-brasileiro-seguranca-publica/>



It is this set of administrative ignominies that undermines the country from the institutions to the mental health of its people, resulting in more children on the streets with the growth of the housing deficit, slave and child labor, of extreme poverty, of hunger and food insecurity, of environmental degradation, of the precariousness of public health services, of education and social assistance, of setbacks in health and reproductive rights, of continuing degradation of the prison system and the injustices committed by a judicial system structurally committed with preserving inequalities and privileges.

To reverse this scenario, it is necessary that the Brazilian State should indeed once again defend democratic principles, acting in accordance with the Federal Constitution. To this end, it is worth considering the opportunities that 2022, the year of elections for the Presidency of the Republic and for the National Congress, offers us. Although the data have already shown that we have lost decades of investment in several sectors analyzed here, the organizations of the UPR Coalition are committed to human rights and are acting for Brazil to be back on track of the sustainable, inclusive and fair development of all people.

***UPR Brazil Coalition, March 2022***



202



"AMORA"  
ETIENE FLO

Health and dignified life







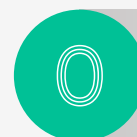
# 1 Health and dignified life



Art: Aos meus cuidados: amora, Etienne Flor.

Total of  
evaluated  
recommendations

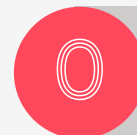
12



Implemented



Partially  
implemented




Not  
implemented









Not implemented  
and in setback






**Recommendations 152 and 153** concerning the implementation of **health and education policies and the establishment of accessible and quality health services for all people**, are not being implemented and are clearly in a situation of setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>152.</b> Continue efforts to develop and implement inclusive health and education policies to benefit all segments of society.	Nepal		
 <b>153.</b> Continue strengthening efforts for providing quality and accessible health facilities and services to improve the disparity in life expectancy among the populations.	Sri Lanka		

In the context of an unprecedented pandemic in recent history, the Brazilian Government has promoted false solutions and hope, and has proved to be incapable of properly allocating the resources already committed in response to Covid-19. The so-called “war budget” amounted to BRL 604 billion reais that should be invested in measures against the novel coronavirus. However, [the Federal Government put off spending 15% of the budget amount, totaling BRL 80.7 billion reais not invested<sup>1</sup>](#). As a result, the country has paid with hundreds of thousands of preventable deaths. Such planned incompetence and recurrent charlatanism (conclusion of the final report

of the Federal Senate Parliamentary Inquiry Committee - CPI in Portuguese - on the pandemic) has even delayed the distribution of vaccines and compromised the logistical efficiency of the Brazilian vaccination, which, prior to this regrettable episode, was recognized worldwide.

Meanwhile, children and adolescents were prevented from attending school, being submitted to distance learning, even though it was incipient in its methodology. One of the main challenges in this scenario was the difficulty of accessing the technology and the digital connection. 

<sup>1</sup>CEBES. Élica Graziane: ‘What I reported to the Covid-19 CPI on the budget execution of the SUS (National Health System)’. Available on: <http://cebes.org.br/2021/07/cpi-da-covid-19-execucao-orcamentaria-do-sus/>; and INESC. Low financial execution and slow pace of the government stifled social policies in 2020, says study. Available on <https://www.inesc.org.br/baixa-execucao-financeira-e-lentidao-do-governo-asfixiaram-politicas-sociais-em-2020-diz-estudo/>

Draft Law no. 3.477/20, approved by the Congress in February 2021, provided access to the Internet for educational purposes to students and teachers of the public education network. The text defined that the Federal Government would allocate resources to states and municipalities to apply in actions that guarantee free internet, due to the adoption of remote education during the Covid-19 pandemic, however, in March of the same year, [the President of the Republic vetoed the project<sup>2</sup>](#), abandoning several children in their learning process, widening inequalities between pillars of economic and social classes, such as gender, race and institutional inequalities. Barring accessibility to learning means lagging behind in the development of skills, including knowledge about sexual health and reproductive rights.

In addition to these shortcomings, the Federal Government continues not to introduce affirmative policies, both in the area of public health and education, aimed at the inclusion of historically vulnerable populations, such as indigenous, black, quilombola, women and girls. Similarly, there are attempts to suppress progress in implementing policies for women and related to gender issues, in the educational field and health care practice. Faced with these quantitative and qualitative evidences, the government's recurrent inefficiencies are observed in implementing effective State responses to emerging demands arising from the pandemic in both education and health.



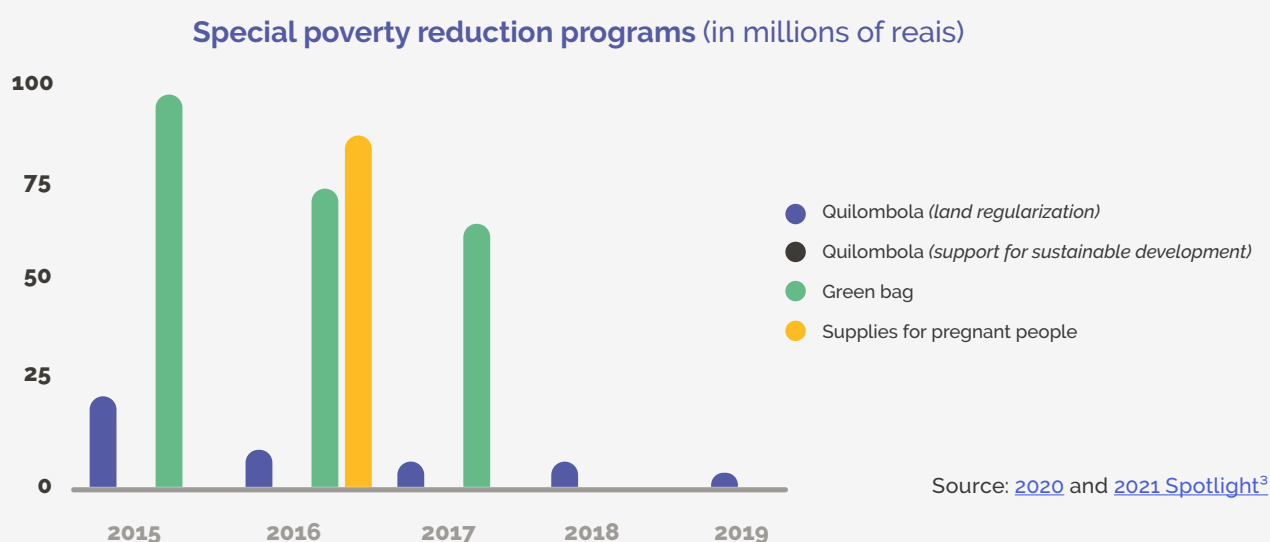
**Recommendation 154** on **the provision of policies for access to health services**, is not being implemented and is clearly evident as a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>154.</b> 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		



<sup>2</sup>AGÊNCIA BRASIL. **Government vetoes law giving students free internet access: The justification is that the measure would make it difficult to meet the fiscal target.** Available on: <<https://agenciabrasil.ebc.com.br/politica/noticia/2021-03/governo-veta-lei-que-da-estudantes-acesso-gratuito-internet>>

As the statistical evidence of the last six years presented by the 2020 and 2021 Relatório Luz (henceforth, 'Spotlight Report') below shows, only a sample of the Federal Government's movement aimed at expanding poverty and social vulnerability throughout the country, economic austerity is used as a justification for cutting important poverty reduction programs. In this scenario, public health has been compromised by the consistent reduction of its budget over the last three years, while the pursuit of fiscal balance and its budget cuts eliminate almost all programs of redress by origin and descent. Indigenous and Quilombola peoples have been particularly affected by substantial cuts in special poverty reduction and social vulnerability programs. The Quilombola population has suffered even more from the end of the grant to encourage sustainable development and to reduce the budget of the agrarian settlement program.




The data from the 2020 and 2021 Spotlight Report demonstrate a deliberate effort to abandon the most vulnerable sections of the population for the benefit of transferring income from the base to the top of the economic pyramid. While austere budgets with public resources for social protection (health, education, assistance) are used to release resources for the payment of the public debt service – and issuance of new debt –, which consumes more than 40% of the federal budget, the added social area does not reach 20%, except for the payment of the Covid-19 emergency aid, which occurred exceptionally in 2020<sup>4</sup>. In November 2021, the Government buried the Bolsa Família (Family Stipend) program and created a mimicry of electoral pittance nicknamed Renda Brasil, but restricted it to one third of the families who were receiving the Bolsa Família.

<sup>3</sup>GT 2030 AGENDA. **2020 Spotlight Report**. (RL, in Portuguese) Available: <[https://brasilnaagenda2030.files.wordpress.com/2020/08/por\\_rl\\_2020\\_web-1.pdf](https://brasilnaagenda2030.files.wordpress.com/2020/08/por_rl_2020_web-1.pdf)>; e GT AGENDA 2030. **2021 Spotlight Report**. (RL, in Portuguese) Available on <[https://brasilnaagenda2030.files.wordpress.com/2021/07/por\\_rl\\_2021\\_completo\\_vs\\_03\\_lowres.pdf](https://brasilnaagenda2030.files.wordpress.com/2021/07/por_rl_2021_completo_vs_03_lowres.pdf)>

<sup>4</sup>Op. cit. **Relatório Luz 2021**



**Recommendation 155** on **attracting financial investments for health and hospital services** has not been implemented and is considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>155.</b> Pursue the human and financial investments in the health and hospital services with the aim of reinforcing the health system	Morocco		

The pandemic evidenced the country's dependence on imported inputs and medicines, as a result of years of dismantling of the pharmacochemical industrial park, and this issue has worsened in neglected diseases (or diseases of neglected population groups), such as leprosy. In Brazil, a country with the highest number of leprosy diagnoses in relation to the number of inhabitants (with approximately 15% of this total being children), [there was a lack of medication supply between August 2020 and March 2021 in several Brazilian states<sup>5</sup>](#). Considering that political efforts must be committed towards the equity and sovereignty in the production of medicines, it is essential to adapt public investments and encourage private investments for the production of inputs and medicines for neglected diseases, not only for the internal market, but also filling a huge global gap and creating conditions for international trade.

Despite the fact that there has been no supply of antiretroviral drugs for HIV, Brazil's external dependence puts at risk the drug purchase program, particularly in a context of currency maxidevaluation.



<sup>5</sup>On September 2, 2020, the Movement of Reintegration of People Affected by Leprosy (MORHAN) sent a communication to the UN Special Rapporteur for the Elimination of Discrimination against People Affected by Leprosy and their Families on the lack of polychemotherapy in Brazil. On October 2, 2020, the Rapporteur sent questions to Brazil about this communication. The questions were answered on November 20, 2020 and, in short, the Government attributed to the difficulties arising from the pandemic the cessation of the import of medicines from India to Brazil. MORHAN has also sent additional information as a response. As early as 2021, the Ministry of Women, Family and Human Rights convened 2 public hearings to discuss the national production of the drug, but so far there has been no progress that can be considered as a sign of solution. The minutes of public hearings are available in the: Minutes of the Public Hearing of 27/Nov/2020. <<https://www.gov.br/saude/pt-br/media/pdf/2020/dezembro/16/ata-da-audiencia-publica-han-27-11-2020.pdf>>; and Minutes of the Public Hearing of 10/02/2021. <<https://www.gov.br/saude/pt-br/assuntos/saude-de-a-a-z/h/hanseniose-1/arquivos/3a-ata-da-audiencia-publica-han-25-02-2021.pdf/view>>



Among the measures taken in response to the coronavirus disease, the government zeroed the import rate of more than five hundred items related to inputs for the treatment and production of vaccines internally, which did not prevent the crisis of lack of oxygen in Manaus (AM) and of respirators in several states of the federation. To aggravate the situation, the resources were not allocated and in the Annual Budget Law (LOA) of 2021, health suffered a cut of more than BRL 2 billion<sup>6</sup>.


However, the pandemic event provided the formation of two important international partnerships for the development of two vaccines to combat SARS-COV-2, between China and the Butantan Institute of São Paulo, and another between AstraZeneca/Oxford and Fundação Oswaldo Cruz (Foundation), in Rio de Janeiro. The participation of Brazilian institutions was mainly in the area of clinical trials to prove the efficacy and effectiveness of the vaccines in human beings.



In general terms, foreign direct investment (FDI) in Brazil fell from 50.7% to US\$ 34.7 billion, with a deficit of US\$ 12.5 billion in external accounts (2019-2020). Nevertheless, the debate on foreign capital participation in health only allows donation or partnership actions with multilateral international organizations. Therefore, we do not know the amount of direct resources invested specifically in the area of health by this direct funding entry.




<sup>6</sup>Op. cit. 2021 Spotlight Report



**Recommendation 156** on **the scope of the health system, including for vulnerable groups**, is not being implemented and is clearly evident as a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>156.</b> Widen health care to vulnerable groups, in particular women of minority groups	Republic of Korea		

The decline in the participation of the Brazilian State in the aggregate investment in the country is remarkable, including the reduction in public health investments and the lack of an inclusive perspective of leveraging the life sciences sector. Over the last five years, the constant reduction in public funding of research has prevented the development of technologies and methods, [compromising the country's independence in solving its public health problems<sup>7</sup>](#).

Regarding the scope of the health system, several population groups have been negatively affected. Policy programs for **women** have been drastically reduced since 2016, and the extinction of the Bolsa Gestante in 2017, an income transfer program for low-income (pregnant) women, is remarkable<sup>8</sup>. Land regularization programs of **Quilombola and indigenous populations** were dismantled, with their budgets zeroed in 2020, as well as racial equality policies, which have been implemented slowly for more than a decade. 

<sup>7</sup>GT 2030 AGENDA. **2020 Spotlight Report**. Available: [https://brasilnaagenda2030.files.wordpress.com/2020/08/por\\_rl\\_2020\\_web-1.pdf](https://brasilnaagenda2030.files.wordpress.com/2020/08/por_rl_2020_web-1.pdf); e GT AGENDA 2030. **2021 Spotlight Report**. Available on [https://brasilnaagenda2030.files.wordpress.com/2021/07/por\\_rl\\_2021\\_completo\\_vs\\_03\\_lowres.pdf](https://brasilnaagenda2030.files.wordpress.com/2021/07/por_rl_2021_completo_vs_03_lowres.pdf).

<sup>8</sup>Transparency Portal, 2018. Mentioned in the 2019 Spotlight Report



Moreover, [since the end of the Mais Médicos program](#)<sup>9</sup> in August 2019 and the departure of professionals of Cuban origin from Brazil, several **smaller municipalities** have lost access to basic care resulting in a drastic reduction in the municipalities treated (60 in 2021, compared to 4,058 in 2010, at the peak of the program). As a result, there was a drop in the provision of health services in the level of basic care in the country, which negatively interfered with the process of decentralization of the health care. The new program created by the Bolsonaro Government to replace the Mais Médicos (More Doctors) program, called “Médicos pelo Brasil” (Doctors throughout Brazil), [completed two years and was not implemented](#)<sup>10</sup>.

The Covid-19 pandemic revealed how essential health services were weakened during the crises. [A survey conducted in 2020 by ARTIGO 19, Gênero e Número and the AzMina magazine](#)<sup>11</sup>, highlights a considerable 55% drop in the number of legal abortion services operating in the pandemic.

Of the 76 hospitals in operation before the pandemic, only 42 stated that they were providing the service. In a period of the unfortunate increase in the number of cases of domestic violence and rape, due to the quarantine, hospitals and reference health units in cases of legal abortion were inoperable, evidencing the double violence that people with the ability to give birth faced to perform the termination of pregnancy, even though it is an internationally guaranteed right and referred to by Brazilian law.

The safest way out of this situation, which would be to regularize abortion by means of teleconsultation, has faced restrictions of political nature, even though it is already institutionalized in European countries. In Brazil, there is only one hospital that performs abortion via telemedicine - which is the Nuavidas, at the Hospital of the Federal University of Uberlândia.

<sup>9</sup>UOL NOTÍCIAS. **Mais Médicos**. Available on: <https://noticias.uol.com.br/confere/ultimas-noticias/2021/04/07/mais-medicos-novo-programa-bolsonaro-numeros.htm>

<sup>10</sup>BRASIL DE FATO. **Launched 2 years ago, Bolsonaro's program to replace Mais Médicos has never opened a bid**. Available on: <https://www.brasildefato.com.br/2021/10/25/lancado-ha-2-anos-programa-de-bolsonaro-para-substituir-mais-medicos-nunca-abriu-edital>

<sup>11</sup>AZ MINA. **Only 55% of hospitals that conducted abortions legally continue in operation during the pandemic**. Available on: <https://azmina.com.br/reportagens/so-55-dos-hospitais-que-faziam-aborto-legal-seguem-atendendo-na-pandemia/>



**Recommendation 157** on **combating HIV/AIDS** is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>157.</b> Ensure continued effectiveness of strategies to combat HIV-AIDS, particularly among youth and other specifically affected groups	Bahamas		

[The strategies for combating HIV in Brazil institutionalized by the AIDS Response Program, have been the object of continuous dismantling<sup>12</sup>.](#) The structural reform of the department responsible for the national response to the HIV/AIDS epidemic established by Decree 9795 of May 17, 2019, promoted the grouping of pathologies with significant differences, generating dispute for resources and compromising the production of epidemiological indicators and the efficiency of the policy.

In 2021, the Federal Government took steps to demonstrate the neglect regarding the HIV prevention, such as the end of the distribution of lubricant gel and external condoms of size 56 mm, [mainly impacting the lives of sexual workers, and the purchase of latex condoms, material contraindicated because it causes discomfort and allergy<sup>13</sup>.](#)


It is evident that the narrative of intolerance perpetuated by the government representatives continues, as well as the implementation of policies that reinforce the stigma, such as [Ordinance N.13/2021<sup>14</sup>](#), which instituted the subdermal implantation of etonogestrel as prevention of pregnancy for women living with HIV/AIDS and other vulnerable populations defined under obscure criteria and neglecting ethical, legal and public health implications. The selection of these populations for reproductive experiments or birth control strategies is markedly discriminatory, hygienist and stigma-based, implying in violation of the body autonomy and exercise of maternity.

























<sup>12</sup>ABIA. [Understand the dismantling of the AIDS response in Brazil](https://abiaids.org.br/entenda-o-desmonte-da-resposta-a-aids-no-brasil/32860). Available on: <<https://abiaids.org.br/entenda-o-desmonte-da-resposta-a-aids-no-brasil/32860>>


<sup>13</sup>LEIA JÁ NACIONAL. Lack of 56mm condoms penalizes sex professionals. Available on: <<https://www.leiaja.com/noticias/2021/07/05/falta-de-preservativos-56mm-penaliza-profissionais-do-sexo/?fbclid=IwAR1unKxTT7B1pTdRlZSJLtgSPjh4dTDx6Uc1vrPOLAMkx6pYA5UoeMtMNHc>> and UOL NOTÍCIAS. Controversial change in condoms generated gain of R\$ 96 million for Precisa. Available on: <<https://noticias.uol.com.br/politica/ultimas-noticias/2021/07/24/mudanca-polemica-em-preservativos-gerou-ganhos-milionarios-para-a-precisa.htm?cmpid=copiaecola&fbclid=IwAR2HzmTSOHHuJWluFwNwNKBRs48nuGkQVJJjHa8LAuzJoloBylOalv-PLAw>>

<sup>14</sup>ABRASCO. For women's reproductive integrity, autonomy and self-determination. Available on: <<https://www.abrasco.org.br/site/noticias/posicionamentos-oficiais-abrasco/nota-da-abrasco-sobre-a-portaria-sctie-ms-no-13-de-19-de-abril-de-2021/58853/>>



**Recommendations 158, 159, 160 and 161** on **sexual and reproductive health** are not being implemented and are considered a setback. 


RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>158.</b> 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	 	  
 <b>159.</b> 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	 	  
 <b>160.</b> 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	 	  
 <b>161.</b> Continue expanding access to voluntary termination of pregnancy in order to ensure the full recognition of sexual and reproductive rights	Iceland	 	  

The setbacks are intriguing in sexual and reproductive health services in every respect, from maintenance to the lack of useful and quality information. The service of attention to legal abortion has been experiencing its worst moment since its creation, both by budget reduction and by the explicit demonization with ideological bias of the procedure. 



The tactics employed by the government include:

- 1 Persecution of health professionals in general and within the Ministry of Health itself, even operating within the legal framework;
- 2 Resumption of the debate on the status of the unborn child, establishing the right to life from conception and creating mechanisms such as "bolsa estupro" – a project that criminalizes all cases of abortion, including those already provided for in law – fetal anencephaly, risk of life to the pregnant person and rape with the direct participation of the Minister of State for Women, the Family and Human Rights – MMFDH to prevent the legal abortion of children and adolescents who are victims of sexual violence; and
- 3 Propagation of intentional disinformation, combined with the emptying and [erasure of information materials on the procedure](#)<sup>15</sup>.

The Federal Government included in Decree no. 10.531 of October 26, 2020, which establishes the Federal Development Strategy for Brazil from 2020 to 2031, the objective of "promoting the right to life, from conception to natural death, observing the rights of the unborn child, through responsible paternity policies, [family planning and care for pregnant women](#)"<sup>16</sup>. Although under discussion at the national congress, the decree should make reference to the status of the unborn child and appoint the "bolsa estupro" as the "responsible paternity policy," this shows a clear measure of impediment to the right of people with the ability to bear children to interrupt the pregnancy by means of legal abortion. 

<sup>15</sup>FOLHA DE SÃO PAULO. **Pandemic Deepens Crisis in Abortion Services**. Available on:

<https://www1.folha.uol.com.br/cotidiano/2021/03/pandemia-aprofunda-crise-em-servicos-de-aborto-legal-e-profissionais-buscam-saidas.shtml>

**Abortion Care Services Provided For in Law: Challenges and Agenda in Brazil**. Available on:

[https://sxpolitics.org/ptbr/wp-content/uploads/sites/2/2021/02/Texto-Cristiao-e-Helena\\_Final\\_26fev-1.pdf](https://sxpolitics.org/ptbr/wp-content/uploads/sites/2/2021/02/Texto-Cristiao-e-Helena_Final_26fev-1.pdf) FEBRASGO. **Febrago's Position on Draft Law no. 5.435 of 2020, which provisions on the Statute of the Pregnant Woman**. Available on:

<https://www.febrasgo.org.br/pt/noticias/item/1234-posicionamento-febrasgo-sobre-o-projeto-de-lei-no-5-435-de-2020>. CENTRO FEMINISTA DE ESTUDOS E ASSESSORIA (FEMINIST CENTER FOR STUDIES AND ADVICE). **Urgent Feminist Radar - PL 5435/2020**. Available on:

<https://www.cfemea.org.br/index.php/alerta-feminista/4898-radar-feminista-urgente-pl-5435-2020>. **Federal Development Strategy**. Brasília, 2020. Available on: <https://www.gov.br/economia/pt-br/assuntos/gestao/estrategia-federal-de-desenvolvimento>

<sup>16</sup>BRASIL. **Official Gazette - Decree no. 10.531**. Available on:

<https://www.in.gov.br/en/web/dou/-/decreto-n-10.531-de-26-de-outubro-de-2020-285019495>

There is a clear escalation of the reactionary positions to individual freedoms and choice over when and under what conditions and rights reproduction can be achieved. Moreover, cases of blackouts of sexual and reproductive rights information are also frequent – that is, when the already scarce information is taken off the air. A recent case is the [information material on trans men's health from the MMFDH portal that was taken off the air<sup>17</sup>](#). Or even, not providing data on the so-called “family observatory” – which bases MMFDH's decision-making on birth control policies, for example, that are not presented to the public.



**Recommendation 162** and **recommendation 163** provisioning on **maternal and infant mortality and on increased care at the time of delivery**, are not being implemented and are also evident as a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>162.</b> Reduce maternal, child and infant morbidity and mortality by promoting effective assistance measures during pregnancy and at the moment of birth	Iceland		
<b>163.</b> Improve health care to further reduce child mortality	Islamic Republic of Iran		

The logical and historically recorded consequence of the budget reduction for specific areas of health is the deterioration of the service and setback of the results. The general reduction of the health budget because of Constitutional Amendment 95/2016 (spending ceiling) has reduced the social protection base of the population in vulnerable conditions, creating more difficulties for the population with access to the public health services.

<sup>17</sup>FOLHA DE SÃO PAULO. Ministry of Health takes off the air the pamphlet focused on the health of the trans man. Available on: <<https://www1.folha.uol.com.br/cotidiano/2019/01/ministerio-da-saude-retira-do-ar-cartilha-voltada-para-saude-do-homens-trans.shtml>>



The end of the Bolsa Gestante increased the vulnerability of women in conditions of poverty. Maternal mortality grew by 5.63% (44,568 between January and August 2020, compared to 42,099 in the same period of 2019) and was aggravated by the deaths of mothers as a result of Covid-19. Until April 10, 2021, there was a 145.4% increase in the weekly average of deaths of pregnant women and women at birth compared to the weekly average of 2019, while in the general population the increase in the death rate in the same period was 61.6%. [Infant mortality<sup>18</sup> of up to one year of age also grew from 2.86% to 3.32% of births in the country.](#) While in the range of 1 to 5 years, this number increased from 0.47% to 0.67%.

Goal 3.2 of the SDG, which had been making satisfactory progress, had a setback in 2020, impacted by the increase in infant mortality rates. The outdated Monitoring Panel also compromises a deeper analysis of the goal.

In particular, among the indigenous population, infant mortality has worsened due to the pandemic, with a risk of death of up to 75% higher in children and indigenous people under the age of 20. Also as a consequence of the end of the Mais Médicos program, the decentralization in the primary care service was impaired, [leading to monitoring problems for the early identification of diseases that can result in the death of children<sup>19</sup>.](#)

<sup>18</sup>Source: Jornal da USP. **Mortality of children infected by Covid-19 increases due to ethnic and socioeconomic factors.** São Paulo, April 20, 2021. Available on: <https://jornal.usp.br/ciencias/ciencias-da-saude/mortalidade-de-criancas-infectadas-pela-Covid-19-aumenta-devido-a-fatores-etnicos-e-socioeconomicos/>

<sup>19</sup>GT 2030 AGENDA. **2021 Spotlight Report.** (RL, in Portuguese), available on [https://brasilnaagenda2030.files.wordpress.com/2021/07/por\\_rl\\_2021\\_completo\\_vs\\_03\\_lowres.pdf](https://brasilnaagenda2030.files.wordpress.com/2021/07/por_rl_2021_completo_vs_03_lowres.pdf) and MORTALITY INFORMATION SYSTEM (SIM). **Infant and Fetal Mortality Monitoring Panel.** Available on: <http://svs.aids.gov.br/dantps/centrais-de-conteudos/paineis-de-monitoramento/mortalidade/infantil-e-fetal/>



## *Health and dignified life* **Recommendations**

- 1** Investing in science and technology for the development of products for the health and education sectors as well as attracting private capital for investment in research and development of domestic pharmaceutical products and inputs, mainly of inputs and medicines for neglected diseases;
- 2** Sanction a law that requires education on sexuality in basic, public, or private education, and respect and promote the sexual and reproductive health and rights of all people, especially girls and women, in all of their diversity, based on scientific evidence and in accordance with the national ordainment and international commitments undertaken by Brazil, such as the Beijing and Cairo Action Platforms;
- 3** Resume the Mais Médicos program and Médicos de Família (Family Physicians) to decentralize basic care throughout the national territory, particularly in rural areas and regions with indigenous and Quilombola communities;
- 4** Reject laws that violate sexual and reproductive rights and block gender equality, such as PL 5.435/2020 to create the Pregnant Woman's Statute and PL 2.633/2019, which, among other things, prohibits preventive abortion in the case of diseases caused by *Aedes Aegypti*;
- 5** Invest in the health monitoring of children born in the country, with the establishment of a database to be supplied with information by public and private institutions on all children born alive in the country.



# About the art



**Art:** Aos meus cuidados: amora

**Artist:** Etienne Flor

**Techniques:** Watercolor and embroidery on paper

**About the art:** The use of nature as medicine is found in all cultures. "Aos meus cuidados" ("In my care") are plants embroidered on the body as an attempt to heal that same body. A womb that seeks in the blackberry tea its shelter and sustenance for its root

**History with art:** Since childhood, Etienne has never stopped drawing. She has taken some lessons, but she really likes the freedom of being able to express herself with colors and images

**Learn more:** [www.ilustraquemegusta.com.br](http://www.ilustraquemegusta.com.br)

## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).











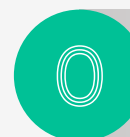
## 2 Gender equality and non-discrimination



Art: Mulheres e meninas, Patricia Kunrath Silva.

Total of evaluated recommendations

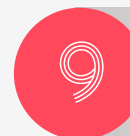
25



Implemented



Partially implemented












Not implemented



Not implemented and in setback



**Recommendations 67 and 196** on **hate crimes against LGBTQIA+ people and the prevention of violence** are partially implemented and **Recommendation 197**, which aims to **promote greater participation of women in politics**, is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>67.</b> 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 curriculum	Canada	 	
<b>196.</b> Ensure the effective implementation of measures to prevent, punish and eradicate all forms of violence and discrimination against women and lesbian, gay, bisexual, transgender and intersex persons	México	 	
<b>197.</b> Further promote the participation of women in politics and government	Timor-Leste	 	

Hate practices against LGBTI people have increased in Brazil even though the STF (Supreme Court) [has recognized the crime of homotransphobia included in the application of the racism law since 2019<sup>1</sup>](#) or that other lawsuits have recognized the importance of a gender debate in the school curriculum. In 2020, an important milestone: the STF trial of the unconstitutionality of the law of the School without Party, approved in the state of Alagoas. Thus, by 9x1, the STF prevented this legislation from going ahead anywhere in the national territory. [Other lawsuits still await judgment by the STF<sup>2</sup>](#) which represents fragility for attempts to criminalize the gender debate in the school curriculum, [through legislative propositions or daily school persecutions<sup>3</sup>](#) that ignore the reality of gender violence against the LGBTQIA+ population at different levels, [which includes political violence against black women and trans women in the last elections in 2020<sup>4</sup>](#).



<sup>1</sup>AGENCIA BRASIL. **Supreme Court decides to criminalize homophobia as a form of racism.** Available on: <https://agenciabrasil.ebc.com.br/geral/noticia/2019-06/supremo-decide-criminalizar-homofobia-como-forma-de-racismo>

<sup>2</sup>STF. Municipal law prohibiting education on gender issues is unconstitutional. Available on: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=442331&ori=1>

<sup>3</sup>MANUAL DE DEFESA NAS ESCOLAS. Available on: <https://www.manualdedefesadasescolas.org/manualdedefesa.pdf>

<sup>4</sup>Relatório\_Violencia-Politica\_FN.pdf (global.org.br)



According to [ANTRA's report when analyzing LGBTI rights](#)<sup>5</sup>:

"In 2020, Brazil secured for itself the first place in the ranking of the murder of trans people in the world, with numbers that remained above average. This year, we found news of 184 records that were released on the 2020 Homicide Map. After thorough analysis, we reached the number of 175 murders, all against people who expressed the female gender in opposition to the gender assigned at birth, and that will be considered in this research. It is worth remembering exhaustively the underreporting and absence of governmental data. Even in the face of this scenario and the constant reminder by social movements, there was not a single specific project to support the LGBTI+ population in the fight against the pandemic. The data presented, in addition to denouncing violence, explain the need for public policies focused on reducing the homicides of trans people, especially for the protection of female sexual workers. They also explain the need for access to social assistance and employment and income policies, as well as other factors that place this population as the main group whose lives become precarious, and are exposed to various forms of violence, such as intentional deaths in Brazil." (ANTRA, 2021, p.9)

The Common National Curriculum Base (BNCC) does not incorporate a human rights education agenda and of gender equality aimed at combating gender discrimination and sexual orientation in schools - had the terms excluded from its latest version, in 2017 because of a conservative national action - school without party. The educational policy, therefore, does not have a curricular guideline for combating LGBTphobia contrary to the national curricular parameters, 2011, and under constant attacks since 2016.

It is worth pointing out that in Michel Temer's government, the Ministry of Education revoked the decrees that dealt with non-homophobic, racist and/or chauvinist textbooks, opening up the possibility of these materials returning to circulate in the schools of the country. In 2020, Bolsonaro's government modified other decrees for the selection of textbooks (the PNLD), allowing the government itself to produce the books and has increased the influence of religious sectors within this coordination of the MEC (see the appointments of those responsible for the department, all related to religious anti-human rights sectors of the LGBTQIA+ population).

<sup>5</sup><https://antrabrasil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf>




During the Bolsonaro government, mainly in the scenario of the Covid-19 pandemic, a setback and non-compliance with the legal framework of protection for women victims of violence was verified. To this end, we can see the scenario of dismantling of the public policies for women who are active in moralizing the social issue and disrespecting the human rights of women and girls in a regressive, necropolitical scenario that promotes violence against cis, trans, black, indigenous, and poor women. In addition to this, there is in the judicial and police context, a reduction and/or stagnation in the network of care and services and protection for women victims of domestic sexual violence have culminated in the slowness of the judicial process, as indicated in the [Mid-Term Reports and in the Context of the Covid-19 Pandemic](#)<sup>6</sup>.





[According to the data provided by the Brazilian Public Security Forum](#)<sup>7</sup>, since 2020, there has been a significant increase in reports of violence against women during the pandemic, in which the most affected are black, poor and adult women, the greatest victims of violence. It is also possible to identify growth by 54% in the number of femicides, most of which are committed by former partners. In addition to the context of government-led lethality that stimulates the possession of individual weapons, there is a context of intense political culture which, on the other hand, reaffirms male ownership of women's and girls' bodies, which is why the domestic environment, is revealed as one of the most risky sites for women and girls.



<sup>6</sup>Data taken from the Mid-Term Report and in the context of the COVID-19 Pandemic, available on: <<https://plataformarpu.org.br/publicacoes>>

<sup>7</sup>Source: Fórum Brasileiro de Segurança Pública (Brazilian Forum of Public Security). Available on: <<https://forumseguranca.org.br/anoario-brasileiro-seguranca-publica/>>

**Recommendations 109, 177, 179, 180, 181, 184 and 185** on **violence against women**, are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>109.</b> Take further efforts in combating violence against women such as enhancing the trust in the judicial system, measures to prevent violence, and promoting services and networks for women in rural areas	Spain		
 <b>177.</b> Adopt a law to protect vulnerable women, particularly low-income housewives	United Arab Emirates	 	
 <b>179.</b> Pursue efforts to combat violence against women and promote the rights of women	Sudan	 	
 <b>180.</b> Continue efforts to combat violence, particularly against women	Tunisia	 	
 <b>181.</b> Take measures to stop violence that has cost the lives of more than five thousand women, and caused more than 500,000 rapes in the last year	Bolivarian Republic of Venezuela	 	
 <b>184.</b> Continue its efforts to combat violence against women and girls	Egypt	 	
 <b>185.</b> Combat domestic violence and high maternal mortality rates suffered by women, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women	Estonia	 	





With the arrival of the pandemic of the new Coronavirus, many crises have been triggered beyond the health crisis, among them violence against women, which means living with the aggressor or even removal of support networks, which may even reflect the fall of statistical numbers of records of reports of violence.

We are going through a historical moment of deep fundamentalist conservatism, under the direction of a civil-military-theocratic matrix government management that has deprived the rights through the deconstruction of public policies for women, expressed in the scarce public investment and in the reduction of spending or disinvestment in actions that would guarantee measures to protect women victims of violence (Casa da Mulher Brasileira - House of the Brazilian Woman, Reduction of the services of Specialized Centers for women's care; Specialized police stations; stagnated the number of specialized Courts centered in capitals; Legislative attacks and amendments to the Maria da Penha Law; Reduction of housing shelters) and by spreading a culture of hatred to female political organizations and dissonant to cis-heteropatriarchy the number of femicides, trans and lesbocide and indigenous women and girls grows in the scenario of criminalization and dispossession in the territories by the Bolsonaro-supporting landowners.

The context of the intensification of violence against women in different fields (including legislative change in the legal frameworks of protection such as the 11 changes in the Maria da Penha Law, considered by the UN Women (2018) as one of the most advanced legislations in the world of protection for women) and the growing conservative and neoliberal wave, protecting women from violence is at risk, [with about 300 amending bills that setback the fight for rights](#)<sup>8</sup>.

[The Brazilian Public Security Forum](#)<sup>9</sup> noted the increase in calls to 190, the emergency number of the Military Police, recorded as domestic violence. The apparent reduction in violence against women represented by the fall in traditional police records was, therefore, confronted with the increase in lethal violence and calls in official aid channels. This has led to an indication that, although lethal violence was growing in the period, women were finding it more difficult to report than in previous periods, probably for two reasons: due to the greater contact due to living with the aggressor and the consequent increase in physical and psychological manipulation over the victim; and the difficulties of shifting and accessing protection institutions and networks, which in the period experienced instability, such as decreasing the number of public servants, reduced hours of service and increasing demands, as well as mobility restrictions.



<sup>8</sup> 15 Years of the Maria da Penha Law: resist for the Law not to languish: <https://soscorpo.org/?p=14764&>

<sup>9</sup> Source: Fórum Brasileiro de Segurança Pública (Brazilian Forum of Public Security). Available on: <https://forumseguranca.org.br/anuario-brasileiro-seguranca-publica/>



In addition, there is also, on the part of many women, a lack of confidence in the Brazilian judicial system (either for fear of being discredited or by the absence of effective protective measures).

According to data from the Public Safety Yearbook, about 4.3 million women (6.3%) were physically beaten with slaps, punches or kicks. This means that every minute, 8 women were beaten in Brazil during the new coronavirus pandemic. Regarding the reports, the Forum showed that 11.8% reported at a female police station, 7.5% reported at a common police station, 7.1% of women sought the Military Police (190), and 2.1% called the Central de Atendimento à Mulher (Women's Assistance Center - Calling 180). Of the women who sought support in the face of a violent situation, 21.6% sought help from the family; 12.8% sought help from friends; and 8.2% sought help from the Church. Added to the difficulties of reporting in the context of the pandemic due to living with the aggressor in the same domestic space and the reporting services operating remotely, make it even more difficult to file a complaint due to the lack of economic conditions and by the digital exclusion that affects most of the poor and black women in the use of technology and to file the complaint remotely.

There has been a growth of 54% in the number of femicides and in most cases, [partners and former partners are the main aggressors<sup>10</sup>](#). But, in addition to the context of lethality driven by a government that stimulates the possession of individual weapons, with the authorization of possession, there is a context of intense political culture which, on a perverse basis, reaffirms male possession of the bodies of women and girls, which is why the domestic environment, which has never been of protection, is revealed as the increase of cases of sexual abuse, rape, and domestic violence, affecting mostly girls and women 9 years old and older.

From the point of view of public policy for women, we are experiencing a dismantling and defunding of the policy and, as the INESC study pointed out in 2020, in addition to the shameful allocation of R\$ 120.4 million, only R\$ 35.4 million was effectively spent by the Federal Government to support and foment the policy throughout the country ([INESC, 2021<sup>11</sup>](#)).



<sup>10</sup>FBSP Yearbook, 2021: <https://forumseguranca.org.br/anuario-brasileiro-seguranca-publica/>

<sup>11</sup>INESC, 2021: <https://www.inesc.org.br/umpaissufocado/>



We can see the scenario of dismantling of the public policies for women who are active in moralizing the social issue and disrespecting the human rights of women and girls in a regressive, necropolitical scenario that promotes violence against cis, trans, black, indigenous, and poor women.

In addition to this, there is in the judicial and police context, a reduction and/or stagnation in the network of care and services and protection for women victims of domestic sexual violence have culminated in the slowness of the judicial process, as indicated in the Mid-Term Reports and in the Context of the Covid-19 Pandemic. In addition to the context of government-led lethality that stimulates the possession of individual weapons, there is a context of intense political culture which, on the other hand, reaffirms male ownership of women's and girls' bodies, which is why the domestic environment, is revealed as one of the most risky sites for women and girls.



Moreover, rural women are particularly affected by violence, this is because of the intersectionality of their vulnerabilities. The patriarchal social structure hinders these women from being in a decision-making and power position within the family and in community relations. It is known that in rural areas public policies involving gender issues are absent, thus making it impossible for these women to access goods and services essential for their autonomy and recognition. All these circumstances directly reflect on violence against women, including in relation to the underreporting of data.







**Recommendation 176**, which **gives guidance on the implementation of new policies in the fight for gender equality**, is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>176.</b> 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		

Previous studies have indicated that the home is the most dangerous place for a woman, and the quarantine increases this reality, since the majority of the acts of violence and femicides occur inside it. According to the Ouvidoria Nacional de Direitos Humanos (ONDDH - National Ombudsman of Human Rights) of the MMFDH, from the first to the second fortnight of March this year, there was an increase of 8.47% in the number of registered reports. In the state of São Paulo, a general increase of requests for protective measures in the period of the pandemic was observed and a great increase of arrests in flagrante delicto, at 51%. There is still a technical note issued by the Brazilian Forum of Public Security, which indicates the increase of femicide during the pandemic. Thus, with the pandemic, in addition to isolation and fear, unemployment and economic difficulties tend to put women in conditions of greater risk of violence. As the systems that protect women and girls, including community structures, may be weakened or inactive in this context, specific measures should be implemented to protect them from the risk of intimate partner violence with the dynamics of the risk imposed by the Covid -19.

[As presented by Plan Internacional "Por Ser Menina Report<sup>12</sup>"](#), the perception of girls about the street environment is that boys are safer, more carefree and live in this space with greater freedom and parental authorization. Girls, on the other hand, carry a constant insecurity, concern and fear related to their own image, body, physical security and rights. These are barriers that mean that girls have fewer opportunities than boys, that they live with prejudices and judgments for being girls and that end up hampering their development until adulthood.



<sup>12</sup>PLAN INTERNACIONAL. **Por Ser Menina**. Available on: <https://plan.org.br/wp-content/uploads/2021/11/relatorio-por-ser-menina-final.pdf>







The Common National Curriculum Base does not incorporate a human rights education agenda to combat gender discrimination and sexual orientation in schools - these terms were excluded from its latest version, in 2017. The educational policy, therefore, does not have a curricular guideline for the promotion of gender equality. The Ministry of Education and Women, Family and Human Rights is [marked by a series of statements contrary to this agenda](#)<sup>13</sup>.



**Recommendation 182**, which **deals with the prevention of deaths by domestic violence and increase of reports in cases of rape**, is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>182.</b> 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		

[The Gender Statistics study: social indicators of women in Brazil](#) (data from 2019 and disclosed in 2021) reveals the permanence of inequality in wages; difficulty of women with children up to 3 years of age entering the employment market; low presence in political representation. In turn, the Public Security Yearbook 2020 highlights a drop in the records of domestic violence at police stations in the 1st semester of 2020, an increase in calls to 190 and growth in the numbers of femicides; [permanence of black women as the main victims](#)<sup>14</sup>.














<sup>13</sup>Available on: <https://generoeeducacao.org.br/wp-content/uploads/2021/10/Relato%CC%81rio-ofensivas-final.pdf>

<sup>14</sup>Source: <https://forumseguranca.org.br/wp-content/uploads/2021/02/anuario-2020-final-100221.pdf>  
<https://agenciabrasil.ebc.com.br/economia/noticia/2021-03/estudo-revela-tamanho-da-desigualdade-de-genero-no-mercado-de-trabalho>



**Recommendations 178, 183, 186, 187 and 188**, which deal with the program “**Women, living without violence**”, released in 2013, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>178.</b> Continue the efforts to implement the “Women Living without Violence” programme launched in 2013	Russian Federation		
<b>183.</b> 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		
<b>186.</b> Strengthen measures to eliminate violence and discrimination against women and girls, particularly in rural and remote areas	Islamic Republic of Iran		
<b>187.</b> Take measures to combat violence against women and children	Iraq	 	
<b>188.</b> Continue to adopt and implement effective measures to fight violence against women	Italy		

In the last period, Brazil has not only increased efforts, but has discontinued a number of initiatives and policies in the area of preventing violence against women. The “Women living without violence” program was changed in 2019 and was then called the Safe and Protected Women’s Program.

Main changes: it extinguished the dry Border Centers, the attribution of the program to create and equip the Houses of Brazilian Women. It included the creation of campaigns to prevent violence. The new projects and campaigns implemented by the Federal Government denote a conservative and disjointed bias from the policies [that guided the program](#)<sup>15</sup> “Women, Living Without Violence”.

<sup>15</sup>[http://www.planalto.gov.br/ccivil\\_03/\\_Ato2011-2014/2013/Decreto/D8086.htm](http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2013/Decreto/D8086.htm)



**Recommendation 191**, which **deals with the strengthening of the mechanisms for the trial of perpetrators of sexual crimes**, is being partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>191.</b> Further strengthen mechanisms fostering prosecution of all perpetrators of sexual and gender-based violence	Slovakia		

Because of the Covid-19 pandemic, many court proceedings were admitted in virtual mode, which include the hearings. In November 2020, the hearing of a rape case of a young woman from Santa Catarina came to public and mobilized the Brazilian public opinion through the speech of everyone who was at the audience, which included the Magistrate. [The episode represented humiliation of the young Mariana Ferrer who was confronted with the thesis of "culpable rape"<sup>16</sup>.](#)

The CNJ (National Council of Justice) has conducted training for professionals of the justice system and launched campaigns geared toward women in situations of violence during the pandemic. Their Decree no. 70/2020 created a working group to draw up studies and emergency actions for women during the phase of social isolation. It also published recommendation 67(CNJ), for which the Courts of Justice must admit the record of occurrence, sending data and files (upload) and formulation of the request for protective measures of urgency electronically (online), to expedite and give effectiveness to the procedure.

Furthermore, it recommended that the STJ, Courts of Justice and Judgments, in the case of issuing arrest warrants, orders of release and their respective enforcements, as well as the escape of investigated or imprisoned defendants, immediately notify the woman by telephone or via WhatsApp, however, there is little dialog with women's movements, and these trainings, projects and campaigns do not count on external assessments in relation to the perspective adopted.



<sup>16</sup><https://g1.globo.com/politica/noticia/2021/09/28/caso-mariana-ferrer-cnj-abre-procedimento-para-analisar-conduta-de-juiz-de-sc.shtml>; <https://theintercept.com/2020/11/03/influencer-mariana-ferrer-estupro-culposos/>



**Recommendation 193**, which **deals with the development of shelters for women victims of abuse**, is being partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>193.</b> Follow up on the infrastructure of safe houses for abused women and make sure the legal framework is widely implemented and reaches women's reality	Austria		


The country is not progressing in the implementation of the Houses of Brazilian Women. According to data from the Profile of Brazilian Municipalities (Munic) and of Brazilian States (Estadoc), published, in September 2019, by the Brazilian Institute of Geography and Statistics (IBGE), Brazil had only 43 state housing-shelters, and in only 2.4% of Brazilian municipalities the city offered the service. The National Congress are considering two Bills on the theme, one to regulate operating and service guidelines (PL no. 2.690, of 2020) and another to create a House in each of the municipalities of the country (PL 2.900/2020).<sup>17</sup>



<sup>17</sup>Source: Agência Câmara de Notícias



**Recommendations 194 and 195, which guide on the increased focus on the implementation of existing public policies on combating domestic violence, are not being implemented.**

<p><b>194.</b> Increase its focus on policy implementation to combat family violence, and in particular violence against women and children</p> <p><b>195.</b> Strengthen policies and programmes to address violence against women and combat child prostitution</p>	<p><b>Australia</b></p> <p><b>Indonesia</b></p>	<div>   </div> <div>    </div>	<div>    </div> <div>    </div>
---	---	--	---

With the cuts in budgets mentioned due to the change in federal public administration after the election of President Jair Bolsonaro, the Campaign “Commitment and Attitude by the Maria da Penha Law – The Law is stronger”, whose objective was to ensure the correct application of the law called Maria da Penha, lost strength and visibility.

Recently, the National Justice Council launched a gender-sensitive trial protocol whose document, drawn up through a working group, is the result of the work of 21 representatives from different branches








of Justice and universities, in the development of guidelines based on an analytical method that incorporates the category of gender in the analysis of issues disputed by male and female magistrates. The protocol has 120 pages containing explanation of concepts, presentation of cases, and even a step by step process so that the interpretations of male and female magistrates are as little as possible contaminated by the bias and structural chauvinism still present in society<sup>18</sup>.



<sup>18</sup><https://www.cnj.jus.br/wp-content/uploads/2021/10/protocolo-18-10-2021-final.pdf>



**Recommendations 189, 190 and 192**, which **cover training programs for justice professionals on women's rights**, are being partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>189.</b> Strengthen its capacity-building programmes for judges and legal personnel on women's rights and violence against women	Thailand		
<b>190.</b> Strengthen the capacity of police in cases of violence against women by expanding training and developing protocols to respond to cases effectively	Canada		
<b>192.</b> Take measures to reduce the number of cases of violence against women and bring the perpetrators to justice	Togo	 	

The CNJ has provided educational training for professionals in the justice system and launched campaigns aimed at women in situations of violence during the pandemic. In 2020, the CNJ prepared [Ordinance n° 70/2020<sup>19</sup>](#), creating a working group to develop studies and emergency actions for women during the social isolation phase. Among the attributions, the working group has the function of presenting proposals for judicial public policies that aim to modernize and give greater effectiveness to the performance of the judiciary in assisting women in situations of violence that occurred during social isolation.




It also published recommendation 67 (CNJ), for the Courts of Justice to admit the registration of occurrence, sending data and files (upload) and formulation of requests for urgent protective measures electronically (online), to speed up and give effect to the procedure, and [Recommendation 79/2020<sup>20</sup>](#), for the Courts of Justice to promote educational programmes in fundamental rights from a gender perspective, also, all judges currently working in Courts should have competence to apply Law n°11,340/2006, as well as the inclusion of this educational programme in the initial training courses for the judiciary.

<sup>19</sup>CNJ. **Portaria n° 70/2020**. Available on: <<https://atos.cnj.jus.br/atos/detalhar/3294>

<sup>20</sup>CNJ. **Recomendação 79/2020**. Available on: <<https://atos.cnj.jus.br/atos/detalhar/3514>



**Recommendation 198**, which **deals with effective measures for the inclusion of women in decision-making processes**, is being partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>198.</b> Put effective measures in place in order to increase the number of women at all levels of the decision-making process	Belgium	 	

[According to IPEA data<sup>21</sup>](#), the percentage of women in leadership and management positions varies across Brazilian geographic regions. Over the analyzed period, it appears that women in such positions are concentrated in the Southeast region, with 39.57%, followed by Northeast with 21.16%, South with 20.83%, Central-West, with 10.76% and with a scarce presence in the North region, on average, 7.69%.

In 2018, the National Council of Justice (CNJ) drafted [Resolution nº. 255<sup>22</sup>](#), which establishes the National Policy for Incentive to Female Participation in the Judiciary. As a result, all branches and units of the Judiciary must adopt measures to ensure gender equality in the institutional environment, proposing guidelines and mechanisms that guide judicial bodies to act to encourage the participation of women in leadership and advisory positions, on competition and as exhibitors at institutional events.

In the Chamber of Deputies, in 2021, congresswomen demanded that there be reforms in the electoral legislation that establishes a mandatory minimum percentage of 30% for the registration of female candidates. Coordinator of the women's bench, Congresswoman Celina Leão (PP-DF) highlighted that, in addition to voting and being voted on, women have the right to participate in decision-making, listing some barriers to reaching this level, such as [the lack of support in public and gender stereotypes<sup>23</sup>](#).

Also worth mentioning that the School of the Union Public Prosecutor's Office (ESMPU) has offered lectures and courses with openly anti-gender content, with an emphasis on criticizing the rights of gender identity in childhood and adolescence, which also [includes representative voices of women's groups. anti-gender and averse to the rights of trans people<sup>24</sup>](#).

<sup>21</sup>IPEA. **Mulher no Poder e na Tomada de Decisões**. Disponível em:

[http://repositorio.ipea.gov.br/bitstream/11058/10319/1/MulhernoPodernaTomadadeDecisoess\\_Cap\\_7.pdf](http://repositorio.ipea.gov.br/bitstream/11058/10319/1/MulhernoPodernaTomadadeDecisoess_Cap_7.pdf)

<sup>22</sup>CNJ. **Resolução nº 255 de 2018**. Disponível em: <https://atos.cnj.jus.br/atos/detalhar/2670>

<sup>23</sup>Câmara dos Deputados. **Deputadas cobram cumprimento de cotas para candidaturas femininas nas eleições**. Disponível em:

<https://www.camara.leg.br/noticias/771750-deputadas-cobram-cumprimento-de-cotas-para-candidaturas-femininas-nas-eleicoes>

<sup>24</sup>Fonte: **Relatório Ofensivas Antigênero no Brasil: Políticas de Estado, Legislação, Mobilização Social**. Disponível em

<https://genereeducacao.org.br/wp-content/uploads/2021/10/Relato%CC%81rio-ofensivas-final.pdf>



## 2

## *Gender equality and non-discrimination* **Recommendations**

- 1** Address the violence against women in politics by mapping and monitoring cases, discussing the need for legal and cultural reform, actions aimed at greater gender and racial equality, training of professionals and security forces, and the awareness of political parties;
- 2** Institute public policies to facilitate women's access to leadership and management positions and decision-making;
- 3** Implement effective actions against domestic violence and gender inequality;
- 4** Inclusion of LGBTQIA+ guidelines in the Legislative and Judiciary Powers, in order to stop hate crimes and discrimination.





# About the art



**Art:** Mulheres e meninas

**Artist:** Patricia Kunrath Silva

**Techniques:** Watercolor and Gouache

**About the art:** Work from 2013, reflecting on gender and intersectionality

**History with art:** Patricia's history with art began in 2012 at the end of her Master's degree in Social Anthropology, when she started painting. She has participated in exhibitions in the United States and Mexico. Her inspirations are themes such as social justice, gender justice, women's rights and human rights

**Learn more:** <https://www.facebook.com/mimaravi>

## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here..](#)







Human rights defenders and democratic space







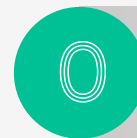
## Human rights defenders and democratic spaces



Art: PORTAIS, Gabriela Fernandes.

Total of  
evaluated  
recommendations

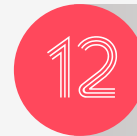
14



Implemented



Partially  
implemented









Not  
implemented



Not implemented  
and in setback



**Recommendations 56 and 57 on the Anti-terrorism Law** are not being implemented and are in a situation of setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>56.</b> Ensure that its Anti-Terrorist Legislation 2016 corresponds to international human rights standards	Egypt		
 <b>57.</b> That anti-terrorism law combats only terrorist groups and does not consider human rights defenders	Iraq		

Stigmatization, persecution, demoralization and criminalization of dissenting voices and popular organizations and movements in Brazil [have grown at high speed in recent years<sup>1</sup>](#), in a context in which social participation and democratic exercise are [increasingly being closed<sup>2</sup>](#). To this end, the State makes arbitrary use of existing criminal laws: the National Security Act ([now revoked<sup>3</sup>](#)) and the Criminal Organizations Act ([Law no. 12.850/2013<sup>4</sup>](#)).

Data obtained through the Access to Information Act (Law no. 12.527/2011) reveal that the use of the [National Security Act increased by 285% during Bolsonaro's government<sup>5</sup>](#).

The Brazilian parliament is reformulating the Anti-terrorism Law ([Law no. 13.260/2016<sup>6</sup>](#)) to further harden the risk of civil society organizations. In the National Congress, there are at least 20 Bills dealing with the theme.



<sup>1</sup>See <https://terradedireitos.org.br/uploads/arquivos/Dossie-Vidas-em-Luta.pdf>

<sup>2</sup>Source [https://artigo19.org/wp-content/blogs.dir/24/files/2021/02/ARTIGO-19\\_Consulta-Espaco-Civico-Brasil-FINAL.pdf](https://artigo19.org/wp-content/blogs.dir/24/files/2021/02/ARTIGO-19_Consulta-Espaco-Civico-Brasil-FINAL.pdf)

<sup>3</sup>See <https://www12.senado.leg.br/noticias/materias/2021/09/02/sancionada-a-revogacao-da-lei-de-seguranca-nacional-artigo-contra-disseminacao-de-fake-news-e-vetado> e <https://www.in.gov.br/en/web/dou/-/lei-n-14.197-de-1-de-setembro-de-2021-342334198>

<sup>4</sup>See [http://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2013/lei/l12850.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12850.htm)

<sup>5</sup>PF investigations based on the National Security Act have grown 285% in the Bolsonaro government. March 19, 2021. Available on: <https://politica.estadao.com.br/noticias/geral/inqueritos-da-pf-com-base-na-lei-de-seguranca-nacional-crescem-285-no-governo-bolsonaro,70003652910>

<sup>6</sup>See [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2016/lei/l13260.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13260.htm)



Most try to expand the concept of terrorism to encompass the actions of social movements and organizations. Bills no. [272/2016](#)<sup>7</sup> and no. [1595/2019](#)<sup>8</sup> are among the most worrying. Both propose increasing the scope of the definition of terrorism and bring issues that could harm the exercise of the free demonstration of social movements and civil society organizations. The proposals are widely criticized by civil society and international organizations, mainly due to the risk of criminalizing [male and female human rights defenders and the risk of violating the rights of organization, assembly and demonstration](#)<sup>9</sup>. What is worrying is the lack of transparency and social participation in the discussions on these projects, which has worsened during the Covid-19 pandemic, even because it has become increasingly common for them to be dealt with in [special regimes or as a matter of urgency](#)<sup>10</sup>. In a letter to the Brazilian government, seven special United Nations rapporteurs expressed concern for the consideration of both projects.

According to the rapporteurs, "the lack of definition of concepts could include organized public demonstrations, [such as protests and strikes, as well as any action or demonstration](#)"<sup>11</sup>.

Bill no. 272/2016 introduces the idea of an apology for terrorism, punishing with an even longer prison sentence content that is disseminated over the Internet and that has "political and ideological" motivations. Bill no. 1595/2019 proposes the creation of a secret police force centered on the President of the Republic, altering the operations of the public security structure in the country. Any public servant may be summoned for secret actions, which creates a parallel and generalized system of surveillance and censorship, and allows the persecution and punishment of social movements, leaders and civil society organizations. The bill also establishes the exclusion of lawfulness, which allows public security agents not to be held responsible for abuses during the so-called ["actions against terrorists" and allows agents to infiltrate social movements](#)<sup>12</sup>.

<sup>7</sup>PL (Bill) by Senator Laiser Martins (PODEMOS-RS), which was forwarded to the Comissão de Constituição, Justiça e Cidadania (Constitution, Justice and Citizenship Commission). Source: <https://congressoemfoco.uol.com.br/direitos-humanos/onu-ve-ameacas-em-pls-que-mudam-lei-antiterrorismo/>

<sup>8</sup>PL (Bill) by Congressman Major Vitor Hugo (PSL-GO), which is even more worrying because it has already been approved in the Special Committee and is now going to the Plenary session. Source: [https://www1.folha.uol.com.br/amp/poder/2021/09/comissao-da-camara-aprova-texto-base-de-projeto-sobre-contraterrorismo-criticado-por-licenca-para-matar.shtml?utm\\_source=twitter&utm\\_medium=social&utm\\_campaign=twfolha&\\_\\_twitter\\_impression=true](https://www1.folha.uol.com.br/amp/poder/2021/09/comissao-da-camara-aprova-texto-base-de-projeto-sobre-contraterrorismo-criticado-por-licenca-para-matar.shtml?utm_source=twitter&utm_medium=social&utm_campaign=twfolha&__twitter_impression=true)

<sup>9</sup>Source <https://terradedireitos.org.br/noticias/noticias/onu-brasil-brasil-relatores-da-onu-alertam-que-lei-antiterrorismo-e-muito-ampla-e-pode-restringir-direitos/19073> and <https://artigo19.org/wp-content/blogs.dir/24/files/2019/04/5-Anos-de-2013.pdf>



















<sup>10</sup>See example in <https://artigo19.org/2021/04/13/organizacoes-sem-unem-contravotacao-em-regime-de-urgencia-da-lei-de-seguranca-nacional/>

<sup>11</sup>See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26450>

<sup>12</sup>Source: <http://www.global.org.br/wp-content/uploads/2021/05/Atualizac%C3%A7%C3%A3o-Apelo-Urgente-1595-portugu%C3%AAs.pdf>









**Recommendations 111, 113, 115 116, 117, 118, 119, 121, 119 and 122**, which concern the **strengthening of civil society and the protection of Male and Female Human Rights Defenders**, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>111.</b> 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		
<b>113.</b> Provide full implementation of the National Policy for the Protection of Human Rights Defenders	State of Palestine	 	
<b>115.</b> Restore functionality of the National Programme for the Protection of Human Rights Defenders	Norway	 	
<b>116.</b> Take more decisive steps towards implementing the National Programme for the Protection of Human Rights Defenders	Poland	 	
<b>117.</b> 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		
<b>118.</b> Implement the National Plan for the Protection of Defenders	Australia	 	
<b>119.</b> Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources	Czechia		







RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<p><b>121.</b> 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</p>	Ireland	 	
<p><b>122.</b> Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders</p>	Mongolia	 	

The National Program for the Protection of Human Rights Defenders (PPDDH) was implemented in 2004. Currently, it has 617 male and female human rights defenders (DDHs) being monitored across Brazil (in the so-called "symbolic protection"), [whereby 506 are included and 111 are under analysis to be included in the program, in 2021<sup>13</sup>](#). 7 state programs (Minas Gerais, Pernambuco, Ceará, Maranhão, Pará, Rio de Janeiro and, since August, Paraíba) have been considered. The other 20 States have the assistance of the Federal Technical Team.

Even after 17 years of existence of the PPDDH, male and female defenders suffer from the same neglect and lack of political will from the Brazilian State and the Federated States to build and implement a public policy that allows the full exercise of citizenship by those who fight for rights in Brazil. The inclusion of people in the PPDDH does not stop threats, criminalization, and attacks against defenders. This is because the structural causes that generate these actions have not been resolved and are almost always relegated and take a backseat by the State – as if it were not its responsibility – which adds to the impunity of crimes against male and female defenders, one of the strongest signs in Brazil.



<sup>13</sup>See <https://oglobo.globo.com/politica/com-menos-verba-programa-de-protecao-defensores-de-direitos-humanos-perde-folego-sob-damars-1-25069381>



PPDDH is not yet provided for in law, despite the existence of Bill no. 4575/2009, which is taking place in the National Congress and is ready for voting. It is based on Presidential Decrees<sup>14</sup> which makes it deficient as a state policy, being susceptible to the will of the governments. Decree no. 8724/2016, instituted the National Program of Human Rights Defenders and created its Deliberative Council and [brought critical changes that have deteriorated the PPDDH structure](#)<sup>15</sup> because it restricted its scope to people in a situation of threat, contrary to OAS's Resolution 53/144 and the Manual of Procedures of the PPDDH. The most significant change was the exclusion of civil society from the national coordination of the PPDDH, the space for formulating and implementing public policy. Decree no. 300/2018 regulated the inclusion of social communicators and environmentalists in the PPDDH. It also regulated the Program's Deliberative Council, but maintained the same composition.

Decree no. 9.937/2019 made further adjustments to its association with the new ministerial structure of the current federal government. It regulates that the cooperation between public authorities and other sub-national players will take place on a voluntary basis, weakening and further compromising the implementation of the PPDDH depends on the political will of those who are in contact with the executives of the Government and of the Federated States.

Decree no. 10.815 of September 27, 2021, drawn up without any dialog with civil society, introduced significant changes to the functioning of the PPDDH. It substantially changes the Deliberative Council, adding the participation of civil society with three organizations, changing its competences, provisioning on the "casting vote" and extending the powers of the Council's coordinator. The measure does not meet the demand to increase the participation of civil society, since the Council will not yet have a joint composition between civil society and public authorities, [since vacancies for civil society account for just over 33% \(thirty-three percent\) of the total vacancies](#)<sup>16</sup>.



<sup>14</sup>First by Decree no. 6.044/2007; then by Decree no. 8724/2016; Decree no. 9.937/2019; and recently Decree no. 10.815/2021, practically one change every four years

<sup>15</sup>See the Technical Note of the CBDDH on <https://comiteddh.org.br/wp-content/uploads/2018/05/Reivindica%C3%A7%C3%B5es-C%C3%B4mite-para-PPDDH-fev2017.pdf>

<sup>16</sup>See the Technical Note of the CBDDH on <https://comiteddh.org.br/wp-content/uploads/2021/11/CBDDH-Nota-Tecnica-Decreto-10815-2021.pdf>





Civil society points out methodological and budgetary challenges to be faced in order to overcome the difficulties in implementing the PPDDH. They are: a) the inclusion of individuals only, excluding groups, movements and civil society organizations which, according to their own concept, are also DDHs; b) the absence of standardized procedures and parameters to assess risks and threats to DDHs for entry into the programs; having these that sometimes, on their own and/or with the help of emergency funds from civil society, seek ways to protect themselves from threats while awaiting the deliberation to enter the Program; c) lack of national procedural protocols to care for specific groups/populations that are served, collective protection measures and intersectional approaches (gender, race/ethnicity and sexual diversity) and the consequent lack of training of the technical team for this purpose.

It is also necessary to note the low budget forecast and realization, added to the instability and interruptions, in addition to the lack of progressiveness. Although in recent years the budget has increased, compared to previous years, [the forecast for 2018 was R\\$ 14,718,780.00, which dropped to R\\$ 11,720,000.00 in 2019<sup>17</sup>](#). In 2020, the budget was R\$ 11,340,189.00 – but [the actual budget was lower than the 2015 figures<sup>18</sup>](#).

The Federal Public Prosecutor of Rio Grande do Sul, at the suggestion of civil society at a public hearing, filed a Public Civil Action to sign an agreement with the Government to draw up the National Plan for the Protection of Male and Female Defenders of Human Rights, according to the determination of art. 2 of Decree no. 6.044/2007. The Federal Regional Court of the 4th Region (TRF4) has determined the Government's obligation to draw up this Plan, [for which it also provided for the establishment of a Working Group with a joint composition of civil society<sup>19</sup>](#). The fact is that an obligation that was foreseen by the Executive Authority itself will only be carried out almost 15 years later by a judicial determination suggested by civil society organizations and received by the Federal Public Prosecutor and then by the Judicial Power.




<sup>17</sup>Presentation of the MMFDH in Jun/2019 to the CDHM/CD, available on <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/noticias/apresentacao-mmfdh>

<sup>18</sup>To see the latest data <https://oglobo.globo.com/politica/com-menos-verba-programa-de-protecao-defensores-de-direitos-humanos-perde-folego-sob-damarea-1-25069381>

<sup>19</sup>See [https://www.trf4.jus.br/trf4/controlador.php?acao=noticia\\_visualizar&id\\_noticia=15831](https://www.trf4.jus.br/trf4/controlador.php?acao=noticia_visualizar&id_noticia=15831) and <http://www.mpf.mp.br/regiao4/sala-de-imprensa/noticias-r4/grupo-que-elaborara-plano-nacional-de-protecao-aos-defensores-de-direitos-humanos-deve-ter-participacao-paritaria-da-sociedade-civil>. For the vote of the rapporteur [http://www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100\\_relatorio\\_pndh.PDF](http://www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100_relatorio_pndh.PDF) and for the judgment see [http://www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100\\_acordao\\_pndh.PDF](http://www.mpf.mp.br/regiao4/sala-de-imprensa/docs/50055940520174047100_acordao_pndh.PDF)



**Recommendations 112, 114 and 120** on the **investigation of the deaths of male and female human rights defenders** are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>112.</b> Ensure that the deaths of human rights defenders are promptly and thoroughly investigated, and that those found to be responsible are brought to justice	Belgium		
<b>114.</b> 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		
<b>120.</b> Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks	France		

Brazil is one of the most violent countries for male and female communicators to work in, occupying the sixth place in the ranking of the most dangerous nations for journalists, according to UNESCO. This makes Brazil lag behind only countries manifesting institutional, political and even humanitarian crises, like Syria, Iraq, Pakistan, Mexico and Somalia..

The persecution and criminalization of journalists and human rights defenders is on the rise in Brazil, as demonstrated by [data of the international organization Reporters without Borders<sup>20</sup>](#), of the [National Federation of Journalists \(FENAJ\)<sup>21</sup>](#) and of [Frontline<sup>22</sup>](#). The country has the sum of sixty-four episodes of murders of these agents since 1995. They took place in all of the five regions. Impunity and delays mark the judicial proceedings, without political signs of seeking their federalization, despite recommendations from the National Human Rights Council (CNDH), [which makes the national situation worrying<sup>23</sup>](#), even because of the possible international accountability of the Brazilian State for violating human rights commitments.



<sup>20</sup>See <https://rsf.org/pt-br/um-ano-sombrio-para-liberdade-de-imprensa-no-brasil-580-ataques-contra-m%C3%ADdia-em-2020>

<sup>21</sup>See [https://fenaj.org.br/wp-content/uploads/2021/01/relatorio\\_fenaj\\_2020.pdf](https://fenaj.org.br/wp-content/uploads/2021/01/relatorio_fenaj_2020.pdf)

<sup>22</sup>See <https://www.frontlinedefenders.org/pt/location/brazil>

<sup>23</sup>According to the Report Violence against communicators in Brazil: a picture of the verification in the last 20 years of the National Council of the Public Ministry, launched in 2019, available on <https://www.cnmp.mp.br/portal/publicacoes/12109-violencia-contra-comunicadores-no-brasil-um-retrato-da-apuracao-nos-ultimos-20-anos>



President Jair Bolsonaro has been the main aggressor of journalists and media channels. In 2020, alone, he was responsible for 40.89% of the aggressions registered by FENAJ. In Report 2020 – Violence against Journalists and Freedom of the Press in Brazil, the entity recorded 428 episodes, a growth of 105.77% in relation to 2019 (a year that registered an increase in attacks by 54.07% in comparison to the previous year, reaching 208 cases). The acts of discrediting the press were the most frequent attack category in 2020, according to the Federation: 152 cases, which represented 35.51% of the total. Cases of censorship have grown and have been institutionalized in the Brazilian Communication Company (EBC), with 76 cases of censorship registered. There have been 464 public statements made by the President of the Republic, his ministers and close advisers who have attacked or delegitimized journalists and their work, a level of public aggression that has not been seen since the end of the military dictatorship. Violations against journalists and communicators add up to 254 cases. Of these, almost 50% (123 violations) were committed by public agents and 18% (46 cases) contained racist, sexist or LGBTQIA-phobic expressions, [recorded by the Organization's Global Report on Freedom of Expression \(2020-2021\) Article 19](#)<sup>24</sup>.

Violence is revealed in concrete cases, such as that of the lawsuit against the omission of the Federal Government to promote security measures to ensure the work of journalists and communicators who cover the interviews of President Jair Bolsonaro in the area near Palácio Alvorada, popularly known as “cercadinho” (fenced area). In May 2021, [the MPF gave a favorable decision to the lawsuit](#)<sup>25</sup>. In the same sense, [it is worth highlighting the time the president threatened to “punch his face in”](#)<sup>26</sup>.



<sup>24</sup>See <https://artigo19.org/2021/07/29/relatorio-global-de-liberdade-de-expressao-2020-2021/#:~:text=Segundo%20o%20documento%2C%20que%20re%C3%BAne,considerado%20uma%20democracia%20em%20crise>

<sup>25</sup>See <https://vladimirherzog.org/mpf-da-parecer-favoravel-a-acao-do-ivh-contra-governo-federal/>

<sup>26</sup>ARTICLE 19 condemns the threat of Bolsonaro of physical aggression to a journalist and August 23, 2020: <https://artigo19.org/2020/08/23/artigo-19-condena-ameaca-de-bolsonaro-de-agressao-fisica-a-jornalista/>



In addition to delegitimize and promote aggressive actions against the press, communicators and journalists, the President has targeted especially communicative women, also violating the obligations assumed by the Brazilian State with regard to violence against women. This is an [example of Patrícia Campos Mello<sup>27</sup>](#), who not only was attacked by the President and his sons, but also suffered massive attacks on the Internet – including serious threats, such as death threats – after the action of the political agents.

During the Covid-19 pandemic, the scenario of attacks on the physical integrity of journalists and communicators was aggravated. In this context, it was possible to monitor attacks on pandemic-related content, as well as communicators and journalists related to them. In the first five months of the pandemic period, at least 82 of these attacks occurred – many of them in which the aggressors [repeated and reiterated the phrases used by the President in his actions to discredit the confrontation made by the press<sup>28</sup>](#).

<sup>27</sup>See <https://congressoemfoco.uol.com.br/area/governo/bolsonaro-ataca-jornalista-da-folha-com-comentarios-sexuais/>

<sup>28</sup>The monitoring records 82 violations to journalists covering the Covid-19 pandemic in Brazil. August 25, 2020. See <https://artigo19.org/2020/08/25/monitoramento-registra-82-violacoes-a-jornalistas-cobrindo-a-pandemia-de-covid-19-no-brasil/>



## *Human rights defenders and democratic spaces*

### **Recommendations**

- 1** Reject all Bills dealing with changes that aggravate the attacks on the DDH (Human Rights Defenders) in the 2016 counter-terrorism act;
- 2** Change the composition of the Deliberative Council of the PPDDH, to ensure that it has joint composition among civil society organizations representing populations served by the PPDDH with a right to voice their opinions and vote and public organizations;
- 3** Accelerate the implementation of the PPDDH in the States where it is not yet implemented, setting annual targets for increasing coverage, with criteria that take into account the rates of violence against registered defenders, environmentalists and communicators, maintaining the National Coordination and co-responsibility to assist the beneficiaries by the federal government;
- 4** To carry out the elaboration of the National Plan for the Protection of Male and Female Defenders of Human Rights, with wide participation of civil society organizations throughout the Country, at all times of the process and with their analysis in the National Human Rights Council before its adoption;
- 5** To expand the availability of budgetary resources by the federal government to quality the work of the PPDDH throughout the Country as well as the development of a broad national debate with the participation of the DDH organizations in the construction of methodologies and protocols adapted to the needs of protection of the DDHs.



# About the art



**Art:** PORTAIS

**Artist:** Gabriela Fernandes

**Techniques:** Photo collage

**About the art:** The work translates Gabriela Fernandes' vision and her senses during a visit to the Jacuba Farm, where she got to know the work and the mystical/artistic universe of Mãe Romana, a seer and spiritual leader

**History with art:** She is a visual artist and researcher. Develops researches covering body in illustration form, overlapping the use of monochrome and geometric figure as a background, based on the symbolism of forms

**Learn more:** <https://coresdagabi.blogspot.com>

## Olhares do Brasil (*Brazilian sights*)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).







*Children and adolescents and decent*



A. LAET 1998

NO ACAMPAMENTO DOS



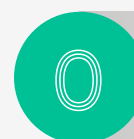


## Children and adolescents and decent work



Total of  
evaluated  
recommendations

20



Implemented



Partially  
implemented











Not  
implemented



Not implemented  
and in setback

Art: Futebol no Acampamento dos "Sem-Terra", Alberto Lacet.

**Recommendations 124 and 126** concerning **the prohibition of forms of slavery and slave labor** are being partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>124.</b> Continue its efforts to combat contemporary forms of slavery, including trafficking and exploitation of persons, and provide support and protection to victims, paying particular attention to more vulnerable groups	Nicaragua	  	
<b>126.</b> Pursue efforts aimed at the prohibition of all forms of slavery by strengthening the resources of the National Commission for the Elimination of Slavery	Senegal	  	

Fighting against modern slavery necessarily involves the prevention, repression and post-rescue actions of workers (repairing the damage, punishment of the employer and refuge of workers). Although the country is still a reference in the fight against slave labor, actions to address the problem are compromised. Budget resources for the fight against slave labor had a reduction of 41% (1.3 million) in 2020. In 2021, the labor audit suffered a new impact on the budget, with the impossibility of receiving financial resources and property assets from the Terms of Conduct Adjustment (TACs) or labor infringement fines imposed by the Public Labor Ministry (MPT). With the re-creation of the Ministry of Labor and Welfare and by government guidance, the allocation of these fundamental resources for regional managements and superintendences to carry out labor audits related to slave labor, work accidents and child labor, which will now be destined to the Diffused Rights Defense Fund (FDD) or to the Worker's Support Fund (FAT), which has a negative impact on the budget issue of the Labor Inspection and highlights the negligence of the Brazilian government. According to the National Union of Labor Fiscal Auditors (SINAIT), the reduction in the budget has a direct impact on the number of teams in the fight against slave labor, on the reduction of supervisory actions and consequently on the number of workers rescued.





The number of labor fiscal auditors has also been reducing, either by retirement or by the fact that there are more than 1500 vacant positions (45% of the total staff). It is important to emphasize that the increasing weakening of state action, as well as the precariousness of working conditions aggravated by the impacts of the pandemic, favor the [increase of slave labor in the country<sup>1</sup>](#).

In 2021, more than a thousand workers were rescued from slavery-related activities. Minas Gerais was the state with the highest number of rescues in 2021 (420), followed by São Paulo (135) and Goiás (102). From January to September, [234 establishments were audited and 102 received infringement notices for subjecting people to contemporary slavery<sup>2</sup>](#). Even with the initiatives to combat slave labor in progress, inequality, social exclusion, low education, lack of employment and labor and poverty are factors that submit workers to modern slavery, which have worsened with the pandemic. Regarding the profile, data from 2020 of SMARTLAB showed that 77% of the people rescued were black or mixed race, 20% studied only until the 5th year of Elementary School, and 8% are illiterate. [There was a predominance of males, with a greater emphasis on the age group from 18 to 24 years<sup>3</sup>](#).



**Recommendation 125**, which aims **to make operational constitutional amendments related to slave labor**, is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>125.</b> Adopt regulations to operationalize constitutional amendments related to slave labour	Uganda		



<sup>1</sup>Shorthand notes – see:  
[https://www.camara.leg.br/proposicoesWeb/prop\\_mostrarintegra?sessionid=node01d3zkflmtjrt1p9eg0xbau59j5930439.node0?codteor=2088519&filename=REQ+122/2021+CTASP](https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?sessionid=node01d3zkflmtjrt1p9eg0xbau59j5930439.node0?codteor=2088519&filename=REQ+122/2021+CTASP)

<sup>2</sup>SIT Radar - <https://sit.trabalho.gov.br/radar/>

<sup>3</sup>Observatory for the Eradication of Slave Labor and Trafficking of People (SMARTLAB) - <https://smartlabbr.org/trabalhoescravo/localidade/0?dimensao=perfilCasosTrabalhoEscravo>







Reduction of working hours and wages, reduction of labor costs through the abolition of guaranteed rights, changes in labor law with negative impacts on the effectiveness of labor audits are some of the proposals being considered in the National Congress that worsen the world of employment and are a setback in the struggle for human rights in Brazil. On the other hand, there are also constant threats of changes in laws that regulate the rules to combat slave labor in the country, such as Provisional Measure (MP) no. 1045/2021, which seeks to make labor audits more flexible.



**Recommendation 131**, which aims **to combat slave labor in the textile sector**, is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>131.</b> Continue fighting against slave labour, in particular in the textile sector	Peru		

In the textile sector, the dynamics of modern slavery are inserted in a context of productive reorganization in which textile retailers subcontract a large portion of its production in external units (factions), which have no connection with the contracting brands. However, these production units operate, most of the time, in irregular conditions and without the minimum conditions for decent work. Modern slavery in the textile sector has as its characteristics the predominance of women<sup>4</sup>, of informality in employment relationships, [of a working day of more than 14 hours a day and the absence of social protection for female workers](#)<sup>5</sup>.

<sup>4</sup>According to Repórter Brasil, in 2020, the main states of origin of the workers were Maranhão (16.4%), Pará (12.8%), Minas Gerais (10.6%), Bahia (10.4%) and São Paulo (10.2%). Apart from the unhealthy work to which they are exposed, they also suffer sexual and moral harassment and, often, have occupational diseases caused by the inadequate working conditions

<sup>5</sup>The fashion industry violates 1 million seamstresses. <https://www.brasildefato.com.br/2021/05/17/saiba-por-que-a-producao-de-roupas-e-um-dos-trabalhos-mais-opressivos-para-mulheres>



**Recommendations 132 and 205**, which aim at **combating slave child labor**, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>132.</b> Further continue the combating of slave and child labour in the country	Ethiopia		
<b>205.</b> 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		

In 2019, there were 1.8 million children and adolescents aged five to 17 years in a situation of child labor, [representing 4.6% of the population \(38.3 million\) in this age group<sup>6</sup>](#). Most of the children working were boys (66.4%) black (66.1%); 21.3% (337 thousand) are in the age group from five to 13 years. The age group from 14 to 15 years corresponds to 25% (442 thousand). The research<sup>7</sup> also pointed out that 53.7% are between 16 and 17 years old (950 thousand).

The 2019 PnadC confirms the negative impact of child labor on the right to education – 96.6% of the total population of children and adolescents, aged five to 17 years, is made up of students, while among child workers the estimate is 86.1%. The difference is more evident in the 16 and 17-year age group. While 85.4% of the total population in this age group attended school, only 76.8% of the adolescents in a situation of child labor were studying. Although the historical series tended to reduce early work, this reduction was already considered insufficient to ensure the eradication of all forms of child labor in 2025, a commitment made by Brazil to the United Nations' Sustainable Development Goals (SDGs).



<sup>6</sup>Agência de Notícias IBGE. In 2019, there were 1.8 million children in child labor in the country, with a drop of 16.8% compared to 2016. Available on: <https://agenciadenoticias.ibge.gov.br/agencia-sala-de-imprensa/2013-agencia-de-noticias/releases/29737-em-2019-havia-1-8-milhao-de-criancas-em-situacao-de-trabalho-infantil-no-pais-com-queda-de-16-8-frente-a-2016>



<sup>7</sup>In 2019, there were 706 thousand people aged five to 17 years in occupations classified as worst forms of child labor, which corresponds to 45.8% of the total number of working children and adolescents. The highest percentage, 65.1%, is in the age group from five to 13 years, which requires immediate and effective measures by the Public Authorities. Agricultural activities concentrated 20.6% of the total number of child workers in 2019. Although it is not the sector with the highest number of exploited children and adolescents, the dangerous infant labor index impresses: 41.9% of boys and girls in the worst forms worked in Agriculture. In all, 19.8 million (51.8%) of children and adolescents aged five to 17 years were doing household chores and/or cared for people, predominantly girls (57.5%) and in the age group from 16 to 17 years (76.9%)



Compliance with the goal becomes even more unlikely due to the worsening of the socioeconomic crisis in the context of the COVID-19 pandemic, due to the dismantling of public policies for the prevention and eradication of child labor, due to the lack of support for vulnerable families and also by [the reduction of financial resources for labor audit actions by the federal government](#)<sup>8</sup>.



**Recommendation 199** on **the rights of children**, can be considered as partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>199.</b> Guarantee the rights of the child and create the best alternative for improving the current system of youth accountability, in compliance with the International Convention on the Rights of the Child	Estonia		

In recent years, Brazil has been facing a serious context of political and economic crisis and intense social setbacks with the weakening of instances of participation, weakening of democratic institutions and public policies and the absence of up-to-date data. The scenario is extremely worrying and has a direct impact on the enforcement of the rights of children and adolescents. The National Council for the Rights of the Child and Adolescent, has reduced civil society's participation, which worsens the democratic

process and extends the possibilities of public power interference in the decision-making and management of the National Fund for the Rights of the Child and Adolescent. The implementation of priority care and integral protection are evidenced in the budget allocation of sectoral public policies, especially for children and adolescents who are part of certain population groups, such as people with disabilities, traditional peoples and communities, indigenous peoples,



<sup>8</sup> FNPETI. Child Labor in Brazil: Analysis of the micro data of the 2019 PnadC. Available on: <[https://fnpeti.org.br/media/publicacoes/arquivo/pnadC2019\\_interativo\\_final.pdf](https://fnpeti.org.br/media/publicacoes/arquivo/pnadC2019_interativo_final.pdf)



afro-descendants, women, population living in streets, forests and waters, refugees and migrants. Poverty, misery, structural racism, informality, unemployment of families and gender, social class and ethnic inequalities affect children and adolescents at different levels and expose them to constant violations of rights such as child labor, food and nutritional insecurity, daily and institutional violence, sexual exploitation, and to human trafficking.

The National System of Social-Educational Assistance<sup>9</sup> (SINASE) is seen as an innovative public policy in its proposal to ensure care for adolescents in conflict with the law, [recognized nationally and internationally as a step forward<sup>10</sup>](#). The intersectoriality of public policies, one of the structuring bases of SINASE, is not consolidated and hinders the necessary actions for the effective rehabilitation and reintegration of the adolescent into society, in compliance with socio-educational measures, [since there is no commitment of all sectoral policies in compliance with the socio-educational measures<sup>11</sup>](#).



**Recommendations 200 and 201** concerning **the right to education and the right to health for children and adolescents** are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>200.</b> Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health	United Arab Emirates		
<b>201.</b> Continue the efforts directed towards the promotion of the rights of the child	Armenia		

<sup>9</sup> According to the 2020 Annual Survey of Sinase, there were 46,193 adolescents who were in compliance with a socio-educational measure. The internment units are scrapped, overcrowded, and often reported for institutional violence (ill-treatment) and deaths of adolescents. According to the 2021 State Managers Survey, 19,133 vacancies were offered in the closed socio-educational units and 2,448 was the total number of vacancies offered in the semi-freedom socio-educational units. Educational and professional training opportunities are scarce, the spaces are unhealthy and the violation of rights within the units is constant. The budget is insufficient, which has an impact not only on the infrastructure, but also on the ongoing training of professionals necessary for the effective development of socio-educational measures. The result is that the socio-educational measures are not applied appropriately

<sup>10</sup> Gazeta do Povo (newspaper). ECA celebrates its 30th anniversary with some advances. What needs to change? Available on: <https://www.gazetadopovo.com.br/vida-e-cidadania/e-ca-30-anos-estatuto-crianca-mudancas/>

<sup>11</sup> BRASIL. 2020 Annual survey of SINASE - <<https://www.gov.br/mdh/pt-br/navegue-por-temas/crianca-e-adolescente/dados-e-indicadores/sinase>>



As far as education is concerned, the deconstruction of public educational policies predominates. [The implementation of the National Education Plan is unfeasible<sup>12</sup>](#). Public funding for education had a budget cut of 27% for the Annual Budget Law<sup>13</sup>. According to the 2010 Census, the most recent statistics, 190 thousand children with disabilities were not going to school, adding to this the dismantling of the National Special Education Policy in the perspective of inclusive education. The Homeschooling bill<sup>14</sup> being considered in the National Congress goes against the National Education Plan and of various UN recommendations. The right to professionalization of adolescents is also at risk with several proposals of bills under consideration by the National Congress that weaken the Professional Learning policy and reduce the rights of adolescents.

In relation to the health of children and adolescents, according to UNICEF and the Brazilian Public Safety Forum, between 2006 and 2020, 35 thousand children and adolescents aged 0 to 19 years were violently killed<sup>15</sup> in Brazil, an average of 7 thousand per year. The main social assistance actions for children and adolescents decreased by R\$ 198 million between 2019 and 2022. Even with the impacts of the pandemic and the increase in vulnerabilities, there was a 43% reduction in resources for the Basic Social Protection. There are more than 12 thousand children up to the age of 6 in Brazil, orphaned by COVID-19. It is essential that the Brazilian State assumes its responsibility with national and international commitments to protect the human rights of children and adolescents, reflecting on the budget allocation.

<sup>12</sup>About 15% of the goals that are expected to be met by the deadline (2024), moreover, only five of the 20 goals are partially implemented. Proposals such as the universalization of day care centers and the permanence of students in schools, besides not being implemented, had setbacks. After seven years in force, the National Education Plan has not advanced, educators say. Available on: <<https://www.camara.leg.br/noticias/778163-depois-de-sete-anos-de-vigencia-plano-nacional-de-educacao-nao-avanca-afirmam-educadores/>>






<sup>13</sup>The Food Security Program has lost R\$ 417 million in the last four years, even though Brazil has about 117 million people who are hungry or with difficult access to food in sufficient quantity. The budget allocation for the National School Food Program, an important strategy for ensuring food and nutritional security in schools, as well as for strengthening family agriculture, was reduced by R\$ 200 million, from R\$ 4.15 billion, in 2019, to R\$ 3.95 billion, in 2022

<sup>14</sup>The regulation of FUNDEB, of the National Education System, the Student-Quality Cost and the National System of Basic Education Assessment has been the focus of conservative proposals that are a setback in guaranteeing the right to Education

<sup>15</sup>Acre is first in the ranking of intentional violent deaths of children and adolescents in the Amazon region. In 2020, in the state, 38.41% of these deaths were in the age group from 10 to 19 years. From 2017 to 2020, 180 thousand suffered sexual violence, approximately 45 thousand a year. Black children and adolescents up to the age of 14 die 3.6% of times due to armed violence than non-black children. Among black children and adolescents up to the age of 14, victims of violent death, 61% were assassinated with firearms. Among black children, mortality from COVID-19, 57%, is also higher



**Recommendation 202** on **temporary family foster care** is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>202.</b> Prioritize family-type care settings and foster families over institutionalized placements and include foster care as an important instrument within the special protection measures for children	Serbia	   	

[The IPEA Report<sup>16</sup>](#) on the redevelopment of child and adolescent care services shows that the elaboration and implementation of regulations to guide the redevelopment of child care services had positive effects, such as the interiorization and expansion of the offer in the North and Northeast regions; the creation of new modalities of care services; the reduction of the size of the units and the assistance in small groups; the greater articulation of the foster care units with the network of social services present in the municipalities; the reduction of the average length of stay in the services of institutional foster care; in addition to the implementation of monitoring mechanisms they perform, among other things, the periodic and qualified collection of information about the functioning of the services.

However, the implementation of the new modalities of foster care (host families and fraternity houses) is fragile, the results are still timid and are restricted to the rules and regulations. Institutional foster care services (SAI) are still prevalent rather than family foster care (FSA). The most recent data are of 2018 and show that the sheltering is the predominant institutional modality, accounting for 71.8% of the SAI in 2018, while the foster-homes corresponded to 26.5%. In 2018, 31.7 thousand children and adolescents were separated from family life under the measure of protection of foster care, two in three of them lived in the services offered in the Southeast and South regions. More than half of the patients were between 6 and 15 years of age<sup>17</sup>.



<sup>16</sup>IPEA. Children “cared” by the State: which the IPEA report tells us about the redevelopment of child and adolescent care services. Available on: <[https://www.ipea.gov.br/portal/images/stories/PDFs/nota\\_tecnica/210121\\_nt\\_disoc\\_n\\_g1.pdf](https://www.ipea.gov.br/portal/images/stories/PDFs/nota_tecnica/210121_nt_disoc_n_g1.pdf)>




<sup>17</sup>Although foster care is a protective measure applicable only to the population up to 17 years of age, there were 538 young people aged 18 to 21 years who had been admitted, who should have already been transferred to the services of the fraternity houses. There were still 729 people who were admitted, over 22 years of age, probably adults with no family ties and no prospects of gaining autonomy for a life outside the institution (for example, people with severe physical or intellectual disabilities)

With regard to the fraternity homes, the implementation of these spaces is far from what is expected. In 2018, there were only 30 units throughout Brazil, and there were none in the North and Midwest regions. Regarding the profile, the high percentage of children and adolescents with physical and mental disabilities (16.8%) is highlighted in the foster care services. People living on the streets (4.8%) and under chemical dependence (4%) also stand out among the characteristics that most appeared among those receiving care. There is a growth trend in the total number of girls among the children and adolescents under care (50.3%), in 2018, they exceeded the total

number of boys (49.6%) in the foster care services, which indicates that in the medium term, an adequacy of services is necessary to meet the needs of this public. There is a lack of data on the fate of young people who leave the foster care services. There is no systematic monitoring by public agents. It is important to point out that insufficient budget allocation is also a reality. Proteção Especial (Special Protection), responsible for the care of children and adolescents in a situation of foster care, lost 10% of its budget, which has a direct impact on the structuring and provision of the services.



**Recommendation 203** concerning **the Lei Menino Bernardo (Child Bernardo Law)** can be considered partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>203.</b> Further strengthen its efforts to enforce the "Boy Bernardo Act" and promote positive, non-violent and participatory forms of child-rearing and discipline	Liechtenstein	 	







Although the Lei Menino Bernardo was a milestone in the prohibition of physical punishment in Brazil, there is still much to be done so that the history of aggression to children and adolescents is no longer a reality<sup>18</sup>. The 15th Brazilian Public Safety Yearbook<sup>19</sup> shows that in 2020, more than 170 children aged 0 to 4 years suffered violent and intentional deaths. At least 25 cases per day of different types of violence (physical, psychological and torture) are reported against children under the age of four. In about 60% of the cases, the violence occurred in the domestic environment and the aggressors were people in the family circle and in contact with the victims, which points to a sub-notification of the cases. In 2020, of the 76,981 cases registered, only 4,402 were made by the victims themselves, highlighting the need for multidisciplinary awareness and qualification of professionals for the identification, notification, referral and admittance of [children and adolescents who are victims of violence](#)<sup>20</sup>.



**Recommendation 204** on **combating sexual harassment of children and adolescents** is not being implemented and is clearly a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>204.</b> Adopt comprehensive policies to combat sexual harassment, especially against children and adolescents, including those in street situations or living in placement institutions	Maldives		

There are no specific official data on sexual harassment of children and adolescents living on the streets or in foster care. However, studies show that in 2021, 76 cases of rape against children and adolescents were recorded daily in Brazilian police stations, [only in the first half of the year](#)<sup>21</sup>.



<sup>18</sup>A Survey of the José Egydio Setubal Foundation (FJLES) and the Galo da Manhã Institute, conducted in 2021, points out that 62.6% agree that it is better to smack the child so they 'do not become a criminal', although 71.8% believe that the relationship should be based on dialog

<sup>19</sup>Data are corroborated by the Notification Records Information System (SINAN/Ministry of Health), which shows that nearly 25 thousand cases reported in public and private network health care units, over the last decade, related to infants under one year of age. Another 51.3 thousand records involved children from one to four years. According to the Brazilian Society of Pediatrics (SBP), in 2019 alone, an average of 243 aggressions per day were reported in Brazil against the public aged 0 to 19 years, totaling 88,572 notifications. Of these, 62,537 involved physical violence; 23,969, psychological or moral violence; and 2,342, torture




Data from the National Public Security Forum show that, in the age group from zero to 19 years, the percentage<sup>22</sup> of crimes with victims aged up to 13 years rose from 70%, in 2019, to 77%, in 2020. In addition to physical lesions, unwanted pregnancy and sexually transmitted diseases, visible sequels of this violence, post-traumatic stress disorder (PTSD), anxiety, depression, eating disorders and sexual and mood disorders are some of the impacts that continue throughout the life of the victims. 85% of rape victims are girls showing gender inequality. They are also the main targets of body injury (77%), mistreatment (51%) and sexual exploitation (86%). According to the study *Violence against Children and Adolescents in Brazil*, the age group most affected by this type of crime is 10 to 14 years. Race/color inequality is not significant numerically, but most of the victims are black (51.6% of the total number of records with the available race). There is no data available on children and adolescents living on the streets and in shelters, victims of harassment or sexual abuse.



<sup>20</sup> BRASIL. **Debaters propose to train professionals to identify violence against children and adolescents.** Available on: <https://www.camara.leg.br/noticias/766694-debatedores-propoem-treinar-profissionais-para-identificar-violencia-contra-criancas-e-adolescentes/>. FÓRUM DE SEGURANÇA. **Violence against Children and Adolescents in Brazil – the urgency of the partnership between education and public security.** Available on: <https://forumseguranca.org.br/wp-content/uploads/2021/07/12-violencia-contra-criancas-e-adolescentes-no-brasil-a-urgencia-da-parceria-entre-educacao-e-seguranca-publica.pdf>. SBP. **Almost 250 cases of torture, physical or psychological violence against children and adolescents are reported every day in Brazil.** Available on: <https://www.sbp.com.br/imprensa/detalhe/nid/quase-250-casos-de-tortura-violencia-fisica-ou-psicologica-contra-criancas-e-adolescentes-sao-notificados-todos-os-dias-no-brasil/>. FUNDAÇÃO JLES. **The perception of Brazilians on the upbringing of children.** Available on: <https://fundacaojles.org.br/2021/12/06/a-percepcao-dos-brasileiros-sobre-a-criacao-das-criancas/>

<sup>21</sup>FÓRUM DE SEGURANÇA. **Violence against Children and Adolescents in Brazil – the urgency of the partnership between education and public security.** Available on: <https://forumseguranca.org.br/wp-content/uploads/2021/07/12-violencia-contra-criancas-e-adolescentes-no-brasil-a-urgencia-da-parceria-entre-educacao-e-seguranca-publica.pdf>

<sup>22</sup>The percentage of victims from zero to 9 years, which was 37.5% (from 0 to 19) in 2019, increased to 40%. Among the victims from zero to 4 years, 80% were raped by aggressors who interact with them (family members or acquaintances)



**Recommendation 207**, which deals with **eliminating discrimination against street children**, is not being implemented and is clearly a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>207.</b> Continue to eliminate discrimination against children in street situations and rural areas as well as children with disabilities and against other minority groups and take all necessary measures to prevent abuse of their vulnerabilities	Turkey		

There is no statistical data, specific policy, information on the circumstances that lead children and adolescents to the streets and their life paths in the face of the vulnerabilities to which they are subjected, such as child labor, sexual exploitation and abuse, ill-treatment, racism, state and lethal violence. Street children and adolescents are part of the most vulnerable group of society because they are seen as a threat to the order and are treated as an object of law rather than as right-holders. Studies already carried out show that, in their majority, street children and adolescents are black or of mixed race, which highlights the structural racism that characterizes the Brazilian society. With the pandemic, although there is no official data, there is evidence that the number of street children and adolescents has increased. With regard to children and adolescents living in rural areas, the Brazilian State's negligence is shown in the closing of rural schools, in the digital exclusion, in the violence in the countryside, rural poverty, deforestation and environmental degradation, in the invasions of indigenous territories, in the precarious basic sanitation and budgetary restriction to resources destined for family farming (planting, harvesting, technical assistance, distribution of production), agrarian reform and land regularization. It is important to highlight the preclusion of the National Program of Education in Agrarian Reform (PRONERA) and the budget cuts for strategic programs such as the National School Food Program (PNAE). Inequalities in access to goods and services for families in the countryside, forests and waters directly affect the living conditions of children and adolescents in these territories. [There are also no recent data available on the number of children in the Agrarian Reform camps and settlements<sup>23</sup>](#).

<sup>23</sup> **Shorthand Notes** – Chamber of Deputies - Available on: <https://escrība.camara.leg.br/escrība-servicosweb/html/63108>  
**Shorthand Notes** – Chamber of Deputies. Available on: <https://escrība.camara.leg.br/escrība-servicosweb/html/61903>



**Recommendation 208**, which deals with **the elimination of forced marriages**, is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>208.</b> Take all necessary measures to effectively eliminate the incidence of child, early and forced marriage	Sweden		

[Brazil occupies the 5th position in child marriages in the world<sup>24</sup>](#). Article 1517 of the Brazilian Civil Code defines that adolescents between 16 and 18 years of age must have the authorization of either parents, legal guardians or judicial permission to marry legally. According to Law no. 13.811/19, persons under 16 years of age are prohibited from marrying under any circumstances. Since most child marriages are informal, legal milestones on the subject are not effective in Brazil. Another aggravating factor is that child marriages in Brazil are naturalized and accepted culturally. Of every four Brazilian women getting married, one is still a girl. The rate of child marriage in Brazil is 26% and exceeds the world average (20%)<sup>25</sup>.

The adult-centric, patriarchal and chauvinistic culture, which predominates in Brazilian society, as well as structural racism, poverty, and low-level schooling are factors that lead thousands of girls to child marriage. It is important to emphasize that the practice of child marriage also has an impact on the right to education and on the right to the adolescent's health<sup>26</sup>. Although, since 2011, there has been a tendency to reduce the number of child marriages, effective actions by the Brazilian State are lacking for the effective fight against this violence.

<sup>24</sup>The UN study also points out that almost half of the victims of child marriage in the world live in just five countries. Brazil is one of them. Available on: <https://observatorio3setor.org.br/noticias/pandemia-pode-levar-10-milhoes-de-meninas-ao-casamento-infantil/>. Girls not brides study. Available on: <https://www.girlsnotbrides.org/learning-resources/resource-centre/child-adolescent-marriage-brazil-executive-summary/>. NOVA ESCOLA. Girls school evasion. Available on: <https://novaescola.org.br/conteudo/20232/se-eu-passar-mais-esse-ano-sem-estudar-penso-realmente-em-desistir-como-a-pandemia-agrava-o-risco-de-evasao-escolar-para-as-adolescentes>. IBGE. 2019 Civil Registry Statistics. Available on: [https://biblioteca.ibge.gov.br/visualizacao/livros/liv101784\\_informativo.pdf](https://biblioteca.ibge.gov.br/visualizacao/livros/liv101784_informativo.pdf)

<sup>25</sup>36% of Brazilian girls get married before they are 18 and 11% of them get married by the age of 15. According to the 2019 Civil Registry statistics, 21,769 marriages were celebrated with spouses up to 17 years of age, or 2.1% of the total number of marriages in 2019

<sup>26</sup>11.5% of girls and women abandon their studies to devote themselves to domestic services or due to early pregnancy



**Recommendations 133 and 150** that deal with **income inequalities among Afro-Brazilians** are not being implemented and are considered as a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>133.</b> Redouble efforts to further reduce the income gap between the Afro-Brazilians, especially Afro-Brazilian women, and the general population	Pakistan		
<b>150.</b> Strengthen policies on the elimination of inequalities in the access to employment on the grounds of gender or racial origin	Colombia		

According to the Six-monthly General Balance Sheet of the Government (January to June 2021), prepared by INESC, in 2020, only 3.2 million resources were committed to actions aimed at promoting racial equality, under the responsibility of the Ministry of Women, Family and Human Rights (MMFDH) and in the first six months the execution was of R\$ 1.2 million (38%). In 2021, even with the worsening of the pandemic, the budget was of R\$ 3.5 million and so far, what has been applied has been leftovers to be paid from previous years.

According to INESC, these 3.5 million amount to about 3 centavos (R\$ 0.03) per black person per year or just under 10 centavos (R\$ 0.10) per black person living in poverty per year.

[Also, according to the Inequalities in the Metropolises Report<sup>27</sup>](#), between 2012-2021 there was a standard of stability in income inequality<sup>28</sup> especially in the average income of the work with the white population fluctuates around R\$ 2,000.00 and the black population about R\$ 1,000.00, which means that, on average, white people earn twice as much as black people.

<sup>27</sup>Inequalities in Metropolises Report. Available on: <[https://www.observatoriodasmetrolopes.net.br/wp-content/uploads/2021/10/BOLETIM\\_DESIGUALDADE-NAS-METROPOLES\\_05FINAL.pdf](https://www.observatoriodasmetrolopes.net.br/wp-content/uploads/2021/10/BOLETIM_DESIGUALDADE-NAS-METROPOLES_05FINAL.pdf)>

<sup>28</sup>With regard to income inequalities, the five most unequal metropolises in the second half of 2021 were, in decreasing order of income inequality: João Pessoa [0.722], Recife [0.688], Rio de Janeiro [0.685], Aracaju [0.673] and Maceió [0.657]. The five least unequal metropolises, in decreasing order of income inequality, were the following: Florianópolis [0.594], Goiânia [0.591], Macapá [0.590], Curitiba [0.581] and Vale do Rio Cuiabá [0.571]. The greatest income disparity was observed in the five metropolitan regions: Recife [1.88], Grande Vitória [1.94], Rio de Janeiro [2.07], Salvador [2.15] and São Paulo [2.22]. On the other extreme, the metropolises with the lowest disparities were the Metropolitan Regions of Teresina [1.36], Florianópolis [1.42], Goiânia [1.46], Macapá [1.48] and Natal [1.53]





With regard to inequalities of access to employment in the second quarter of 2021, [the DIEESE<sup>29</sup>](#) shows that for blacks, the unemployment rate is always higher than that of non-blacks. While for the black men, it was 13.2%, for non-black men, it was 9.8%. Among women, every 100 black women in the workforce, 20 sought work, a greater proportion than that of non-black, 13 for every 100. The rate of underutilization, which expresses the potential demand for work, presented a differentiated behavior between men and women.

Among the black women, it was 40.5% in the second quarter of 2020 and 40.9% in the same period of 2021. Among men, in these same periods, underutilization decreased: for non-blacks, it increased from 19.1% to 18.5% and, among blacks, from 29.4% to 26.9%. Racial inclusion in Brazil is not a priority of the government, the actions are incipient and the Brazilian state itself is the main one responsible for the institutional violence that has decimated the black population.



**Recommendations 127, 128, 129 and 130 on trafficking in persons** are partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>127.</b> Develop a national strategy to tackle modern slavery, including ratification of the 2014 ILO protocol to the Forced Labour Convention, and increased efforts to protect rural workers and women at risk of trafficking	United Kingdom of Great Britain and Northern		
<b>128.</b> Effectively implement the anti-trafficking law and provide resources and training for government officials	United States of America		



<sup>29</sup>Special Report November 20 – Black Awareness Day. Available on: <<https://www.dieese.org.br/boletimespecial/2021/conscienciaNegra.html>>

<sup>30</sup>Source: Children, adolescents and women are 75% of the victims of human trafficking, according to data appointed by Disque 100. Available on: <<https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/julho/criancas-adolescentes-e-mulheres-sao-75-das-vitimas-do-trafficco-de-pessoas-apontam-dados-do-disque-100>>

<sup>31</sup>Reports of child trafficking in Brazil are above the global average. Available on: <<https://www.uol.com.br/universa/noticias/redacao/2021/07/29/trafficco-de-pessoas.amp.htm>>



RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>129.</b> Preserve its positive record on combating trafficking and modern slavery by fully implementing activities envisaged in its second National Plan to Fight Human Trafficking	Azerbaijan		
<b>130.</b> Continue policies to combat trafficking, and promote assistance to victims	Lebanon		

From January 2020 to June 2021, 301 cases of human trafficking were registered by Disque 100 (Call 100). [Of these, 50.1% are children and adolescents and others, 24.9% are women<sup>30</sup>](#). In all, Disque 100 received 176 reports of internal trafficking — within the country, — and 79 of international trafficking, of which 86 are girls (up to 18 years) and 64 are women (58.8% of all complaints), and 17 are boys and 10 are men (50.19% of the total). Among these numbers, there is the prevalence in the modality of [sexual exploitation \(83\), illegal adoption \(43\), and work in slave-like conditions \(23\)<sup>31</sup>](#). Data from the National Report on Trafficking of People show that 72% of the victims of this type of crime in Brazil are black. [The rate takes into account the people treated in the Centers to Combat Human Trafficking and in centers of the Ministry of Health<sup>32</sup>](#).

The country has continued efforts to combat human trafficking, with initiatives such as implementing flows of care to the victims. Even with budget cuts and fragile labor structures that have a direct impact on actions of identification, referral, assistance and protection for victims of human trafficking, the theme is included in the agenda of various executive authorities, such as the Ministry of Justice, the Department of Policy for Women, the Department for Human Rights, the Ministry of Labor and Employment, and Social Development, among others. Among the challenges are: the increasing demand for assistance to victims, intensified by the impacts of the pandemic and by the worsening of the country's structural problems, such as poverty and high unemployment rates, [risk factors for human trafficking<sup>33</sup>](#); the ratification of the 2014 ILO protocol to the Convention on Forced Labor (Brazil already complies with most of the provisions); ensure that the labor inspection has the budgetary and infrastructure conditions necessary for carrying out the surveillance actions, especially in the agricultural sector and in domestic work.

<sup>32</sup>The majority of victims of human trafficking are black. Available on: <<https://agenciabrasil.ebc.com.br/justica/noticia/2021-07/maioria-das-vitimas-de-trafficco-de-pessoas-e-negra-mostra-relatorio?amp>>

<sup>33</sup>Shorthand Notes. Available on: <<https://escriva.camara.leg.br/escriva-servicosweb/html/62557>>



## *Children and adolescents and decent work*

### **Recommendations**

- 1** To adopt, as a matter of urgency, new actions, programs and public policies, with budgetary allocation, for the eradication of all forms of child labor, with age, gender, color, place of residence, family income and schooling of children and adolescents and the guarantee of the full implementation of the National System of Social-Educational Assistance (SINASE) with the necessary improvement and adjustments, for the implementation of socio-educational care and for the re-socialization of adolescents;
- 2** To preserve the positive history in the fight against modern trafficking and slavery, through the full implementation of activities provided for in the National Plan for the Eradication of Slave Labor, of the ratification of the ILO Protocol of 2014 to the Convention on Forced Labor, of accession to the additional protocol to Convention no. 29 of the ILO;
- 3** To carry out a census, with national coverage, of the street population, with a priority focus on children and adolescents (profile, schooling, gender, color, family bonds, etc.);
- 4** Expand public rural development policies, especially for the reduction of poverty, for the promotion of education in the countryside, of family agriculture, of health, of social protection and of public security in rural areas;
- 5** Effectively implement a national strategy to tackle structural racism and promote racial and gender equity with the guarantee of the participation of representatives of the black movement, especially of female leaders, in the elaboration, implementation, monitoring and evaluation of public anti-racist policies and ensuring the conditions necessary for the black population to have effective equity of opportunities for historical racial inequalities and privileges to be overcome and repaired.



# About the art



**Art:** Futebol no Acampamento dos "Sem-Terra"

**Artist:** Alberto Lacet

**Techniques:** Graffiti and oil on canvas

**About the art:** In the 2001 artwork, the artist focused on the drama of families in occupation camps, especially the situation of children deprived of regular education

**History with art:** He began drawing at the age of four and, at 19, abandoned his engineering course to dedicate himself to painting. His works are on display in the collections of the Assis Chateaubriand São Paulo Museum of Art (MASP), the House of Brazil in Spain (Madrid), and the Museum of the city of Ovar (Portugal)

**Learn more:** <https://br.pinterest.com/ultair/alberto-lacet-artista-plástico-brasileiro/>

## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).











# 5

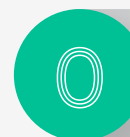
## Education, austerity and discrimination



Art: Aos meus cuidados: amora, Etienne Flor.

Total of  
evaluated  
recommendations

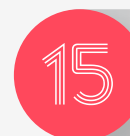
15



Implemented



Partially  
implemented






Not  
implemented



Not implemented  
and in setback



**Recommendation 69**, which deals with the reduction of homicide rates among Afro-descendant men, mainly through educational measures and programs, continues not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>69.</b> Take all necessary measures to reduce murder rates among Afro-Brazilian men, particularly through robust educational programmes adapted to their needs, following recommendations 119.138, 119.154, 119.157, 119.158, 119.159 and 119.160 from the second cycle	Haiti	 	

Violence against the black youth in Brazil has reached alarming rates, including in terms of the number of deaths, and needs to be faced with structured public policies that involve the various dimensions of life, like education, work, family, health, income, racial equality and equal opportunities for all. However, the federal government is absent from its role of coordinating and investing to reduce the homicide rate among the black population.

On the budget side, EC 95/2016 has been a major obstacle in the development of homicide and education prevention programs aimed at vulnerable groups. On the educational policy side, however, [this lack of evolution is intrinsically related to the failure to implement goal 8 of the National Education Plan \(PNE\)<sup>2</sup>](#).

There are still no educational programs aimed at the black population to prevent the deaths of children and adolescents, especially among Afro-Brazilian men. Currently there are Committees for the Prevention of Murder against Adolescents, but the policy takes place locally and therefore still has a limited scope. This scenario reinforces the need for attention and coordination of efforts to develop a national plan with its due recognition as a State policy.











<sup>1</sup>Index of Youth Vulnerability to Violence; Atlas da Violência

<sup>2</sup>Data provided by the Balance Sheet of the National Education Plan, available on: [https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf)





**Recommendations 151, 173, and 174** that **provision on the inclusion in school of Afro-descendant groups**, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>151.</b> 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		
<b>173.</b> 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	 	
<b>174.</b> Continue strengthening efforts to eliminate discrimination, including racial discrimination in education	Indonesia	 	

Also concerning PNE goal 8, in a scenario of widespread chaos, the Judicial Power has been the main means of ensuring security in schools in states, such as Rio de Janeiro where the actions promoted by the Public Prosecutor and Public Defender, both state entities, have promoted actions to safeguard the school space from the armed violence of the city.

[Another example of this reality is the Claim of Violation of Fundamental Measure \(ADPF\) no. 635<sup>3</sup>](#) sent to the Supreme Federal

Court with the participation of various civil society organizations, such as amicus curiae. Filed in November 2019, the ADPF (known as the ADPF of the Slums) requested to the STF, among other measures, to restrict police operations in school perimeters, day care centers and health services and the prohibition of the use of any educational or health equipment as an operational basis for the civil and military police.














<sup>3</sup>Brazil. Federal Supreme Court. Claim of Violation of Fundamental Measure no. 635 of 2019. Available on: <<http://portal.stf.jus.br/processos/detalhe.asp?incidente=5816502>>

In the event of absolute exception, these operations need to be justified by the command of the police force in a document sent to the Public Prosecutor. ADPF received a favorable preliminary ruling from minister Edson Facchin in June 2020 and was referenced in August by the plenary-court. About the psychological health of children and adolescents, UNICEF's Report pointed out that the lack of privacy in home visits and in the school space can create difficulties in talking about their vulnerabilities.



**Recommendations 164, 166, 167, 169 and 171**, which **deal with the National Education Plan**, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>164.</b> Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024	Israel		
<b>166.</b> Ensure adequate funding in implementing the National Education Plan, and undertake progress reports on its implementation to improve transparency and accountability	Malaysia	 	
<b>167.</b> Pursue efforts aimed at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, in particular in rural areas	Morocco		
<b>169.</b> Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030	Republic of Korea		
<b>171.</b> Continue the implementation of the education plan of 2014-2016	Sudão		







### The National Education Plan (PNE)<sup>4</sup>













has been progressively replaced by a series of public policies that go against what it suggests, overlapping austerity policies and reducing the role of the State, discriminatory, excluding, of censorship, and the emptying of schools as a living, democratic, transforming and free place. In the context of the irresponsible conduct of the health crisis, which aggravates and prolongs its effects, compliance with the PNE becomes an even more distant goal in view of the lack of adequate priorities in government and budgetary guidelines. If this trend continues, we will reach 2024, the end of the Plan, with only 15% of the provisions of its goals met.

The tendency that is built on overlooking this PNE is to have a horizon with the deepening of educational and social inequalities, threatening the democratization of public education and distancing the youth from quality education, which provides for the integral development of the male and female students. Moreover, the country faces the consequences of a number of cuts in the education budget, from misguided financial management in the transfer of resources from the new Fund for the Maintenance and Development of Basic Education and the Valuation of Education Professionals (Fundeb) to the states and municipalities, and from the implementation of anti-democratic and discriminatory policies, such as the militarization of schools, censorship of teachers and the promotion of *homeschooling*.



<sup>4</sup> Data provided by the Balance Sheet of the National Education Plan, available on: [https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf)

**Recommendations 149, 165, 168, 170, 172 and 175, on inclusive education and reduction of school inequality, are not being implemented.**

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>149.</b> Continue efforts to reduce unemployment rates, including strengthening vocational training programmes	Libya		
<b>165.</b> Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status	Japan		
<b>168.</b> Continue implementing high-quality intercultural education	Peru		
<b>170.</b> Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education	Turkey		
<b>172.</b> Increase investment in education infrastructure and promote the educational level in rural areas	China		
<b>175.</b> Set up plans promoting inclusive education of ethnic minorities, which have high levels of school dropout	Paraguay		

[According to the Spotlight Report of the 2030 Agenda<sup>5</sup>](#), the pandemic has aggravated gender-structural inequalities in Brazil. A study conducted in 2019 with girls aged 15 to 19 years in fourteen countries pointed to Brazil as the sixth country with higher anxiety rates among girls and found that the challenges posed

by domestic child labor, especially among black girls, raise the risk of school evasion. The National Forum for the Prevention and Eradication of Child Labor (FNPETI) points out that 73.5% of domestic child labor is done by black children and, 94%, by girls [\(according to data from 2017\)<sup>6</sup>](#)



<sup>5</sup> Available on: 2021 Spotlight Report. Accessed on Oct 25, 2021

<sup>6</sup> Data provided by the Balance Sheet of the National Education Plan, available on: [https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf) and the 2021 Spotlight Report, available on: [https://brasilnaagenda2030.files.wordpress.com/2021/07/por\\_rl\\_2021\\_completo\\_vs\\_03\\_lowres.pdf](https://brasilnaagenda2030.files.wordpress.com/2021/07/por_rl_2021_completo_vs_03_lowres.pdf)



The equality of the educational status among the black and non-black population progresses at a slower pace. The results show the unequal and unjust conditions of citizenship found in different groups of Brazilian society<sup>7</sup>, especially in the school reality.

In addition, public educational policies are a setback in presenting projects such as "School Without Party" (without any bias from any political party), permanent and exclusive home teaching, revisionist management of the historical racial crimes of the Brazilian State today under the command of the Palmares Foundation, the break with the UN Human Rights Council's commitment to women's mental and reproductive health and the criminalization of education for gender and race diversity. On the educational policy side, [however, this lack of evolution is intrinsically related to the failure to implement goal 8 of the National Education Plan \(PNE\)](#)<sup>8</sup>.

Also, goal 4 of the Plan is in check because, since mid-2018, attempts to revise or "update" the [National Policy of Special Education from the Perspective of Inclusive Education \(PNEEPEI\) persists](#)<sup>9</sup> in order to open space for the maintenance of special classes and schools, returning to a conception of special education as a complementary and not substitute modality. These proposals have been vehemently rejected by social movements for retreating in achievements that are not only materialized in PNEEPEI, but also in the Brazilian Law of Inclusion and the UN Convention on the Rights of People with Disabilities.

<sup>7</sup>The most impacted segments have been the members of the black, indigenous and peripheral population, whose homes do not have access to the Internet, and the fight against hunger does not allow them to dedicate time for studies. Regional, race and class inequalities are advanced: in the North region, only 49% of the students received school activities, compared to 92% in the South and 87% in the Southeast; 91% of the students in the richest 20% group received activities, a 75% participation in the poorest 20% group; 89% of white students in primary school received activities, but among black students this percentage is 77%

<sup>8</sup>Data provided by the Balance Sheet of the National Education Plan, available on: [https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf)

<sup>9</sup>Data provided by the Balance Sheet of the National Education Plan, available on: [https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf)



# 5

## *Education, austerity and discrimination* **Recommendations**

- 1** End the austerity policies and resume mass public funding in public education;
- 2** Carry out a precise diagnosis of the failure to comply with the National Education Plan and resume the focus of the educational state policy for progress in its goals;
- 3** Suspend all policies that go against the provisions of the 1988 Federal Constitution and infraconstitutional legislation, such as homeschooling, School Without Party, militarization of schools, interventions in the democratic management of educational institutions, among others;
- 4** Regulate the National Education System, the National System for the Evaluation of Basic Education and the Student-Quality Cost, in order to implement mechanisms to combat educational, regional and social inequalities, racism, sexism, and other discriminations.





# About the art



**Art:** Infância ribeirinha

**Artist:** Larissa Dutra

**Techniques:** Acrylic on canvas

**About the art:** It is inspired by a photograph taken by Meyriane de Mira in a Brazilian conservation unit of full nature protection. The intense connection between body and nature is evidenced in the work, personified in the materialization of an Amazonian child bathing in the sweet waters of the Rio Negro, in the middle of the forest

**History with art:** She is an experimental artist whose trajectory unfolds on several objects, supports and techniques, with drawing and painting being her primary languages

**Learn more:** <https://amarelo.hotglue.me/?Portf%C3%B3lio/>

## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).







Poverty reduction and fight against inequalities



W. Chaverry





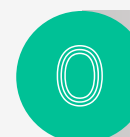
## Poverty reduction and fight against inequalities



Art: Triste realidade, W. Chavarry

Total of  
evaluated  
recommendations

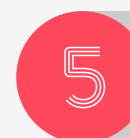
15



Implemented



Partially  
implemented





Not  
implemented



Not implemented  
and in setback

**Recommendation 30**, which deals with the **strengthening of the legal and institutional framework for the promotion of human rights and poverty reduction and promotion of social equality**, is not being implemented.


RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>30.</b> Continue with the commendable efforts to strengthen the legal and institutional framework for the promotion and protection of human rights and to reduce poverty and promote social equality	Bhutan		







The governmental actions that hinder or conceal data had a negative impact on the right to information. The changes in the Law on Access to Information (LAI) affect the transparency of the federal government and the social control of public administration. The veto to the provision, which forbade the public power from sharing with other public organizations or legal entities under private law the personal data of applicants who use the LAI is another setback, since it constrains and creates uncertainty for those who wish to seek information from public authorities.







**Recommendations 50 and 140** that deal **with the Sustainable Development Goals** are not being implemented and are considered a setback 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>50.</b> Consolidate the progress made towards reaching the Sustainable Development Goals, and continue efforts towards inclusive socioeconomic development programmes with a focus on poverty eradication	Islamic Republic of Iran		
 <b>140.</b> Continue measures to combat poverty and social inequality by implementing rural development plans covering vulnerable groups, in particular rural women	Sri Lanka		

Rural inclusion and development programs are important pillars of the goal of poverty eradication and socioeconomic development. Meanwhile, its main ramifications have suffered cuts and are slow in execution, especially at a time when its proper functioning could mean the difference for many.

[In 2020, the government vetoed almost entirely the Assis Carvalho Law<sup>1</sup>](https://www25.senado.leg.br/web/atividade/materias/-/materia/143587), built with popular support and approved by the National Congress. The law provided for measures to encourage the production of basic foods to combat hunger, such as access to emergency aid and credit for production.






<sup>1</sup>Assis de Carvalho Law available on: <<https://www25.senado.leg.br/web/atividade/materias/-/materia/143587>>



During the pandemic, the purchase of food from family agriculture was also interrupted (made by public procurement programs - Food Procurement Program - PAA and the National School Food Program - PNAE) in many municipalities. [The survey conducted by the Brazilian Forum of Sovereignty and Food and Nutritional Security \(FBSSAA\)<sup>2</sup>](#) and the Semi-arid Articulation (ASA) show that the resources of the PNAE directed to family agriculture were not well used and, until September 2020, farmers' collectives had sold about 13% of the previous year's total, when there was no pandemic. The PAA, which has an incentive to access by women, despite receiving an injection of resources in 2020, had the budget cut by half in 2021, and until August the Companhia Nacional de Abastecimento (CONAB - National Supply Company), responsible for its execution, [was not yet open to receive sales proposals from farmers<sup>3</sup>](#).



**Recommendation 134**, which deals with the **elevation of the sustainable socioeconomic standard of living of the population** is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>134.</b> Continue to promote sustainable economic and social development and improve people's living standards	China	 	

In the last years, there was divestment in the public policies, closing down of important programs, such as the Houses of Brazilian Women, in addition to budget cuts in social programs, such as the Bolsa Família (Family Grant) Program, Minha Casa Minha Vida (Housing program for the poor), Program for Strengthening of Family Agriculture (Pronaf) and barriers for the recognition and regularization of indigenous and Quilombola territories (MP 870), which affect different segments of women in Brazil.



<sup>2</sup>Available on: <https://fbssan.org.br/2020/11/fbssan-e-asa-apresentam-levantamento-sobre-alimentacao-escolar-na-pandemia/>


<sup>3</sup>Source: <https://www.brasildefato.com.br/2021/08/13/cortes-no-paa-em-pernambuco-agricultores-perdem-producao-enquanto-familias-passam-fome>







With respect to the inequality of income, the difference between the wages of men and women began to increase, according to data from the Continued PNAD of 2019. In 2018, the difference was 26.9% and in 2019 it rose to 28.7%. In the scenario of the pandemic, women are also the most affected. They are a majority in activities considered as nonessential, and even among the activities with male predominance, they were the most affected. Activities suspended on account of social isolation, reduction of the workload, which impacts the generation of income, and

an increase of the domestic work overload generated, are some of the negative impacts for the life of women. There is also a high death rate for female health workers who are at the forefront in the fight against Covid-19, as well as important differences to be taken into account on the racial issue. According to the Covid-19 Continued PNAD, of the workers who are currently in home office, 16.2% are white women, 10.1% are black, and 8.5% are of mixed race, which reveals that black and mixed race women are more vulnerable.



**Recommendation 135** that deals with the **Bolsa Família Program** is not being implemented and is considered a setback 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>135.</b> Continue to strengthen and improve the Bolsa Família programme in the context of the fight against hunger and poverty	Pakistan		

[Hunger has increased in the last year<sup>4</sup>](#), along with inflation, [which has fallen heavily on food<sup>5</sup>](#), while there has been little or no effort by the government to reverse this situation. 

<sup>4</sup>Currently, there are 19.1 million people in Brazil (9% of the population) going hungry and 116 million without full access to adequate nutrition (according to a research from Rede PENSSAN, available on: <http://olheparaafome.com.br/>)>

<sup>5</sup> Between March 2020 and March 2021, the price of rice rose by about 70%; that of black beans by 51%; that of potatoes by 47%; that of meat, almost 30%; milk, 20%; and soybean oil, 87%. Olhar para a Fome. Available on: <<http://olheparaafome.com.br/>>



More than half of the income of those earning a minimum wage was used for food, [according to the InterUnion Department of Statistics and Socio-Economic Studies \(Dieese\)](#)<sup>6</sup>. The May edition of Dieese's Basic Staples National Survey pointed out that the minimum wage required for the basic expenses of a worker and his family would have to be R\$ 5,351.11, corresponding to 4.86 times the official minimum wage of R\$ 1,100.00.

Instead of updating the Bolsa Família Program (PBF), which is crucial to guaranteeing income and food security even more at the moment of a global health crisis and the social and economic crisis experienced by the country, the Federal Government is threatening to decharacterize the Bolsa Família program,

replacing it with the Auxílio Brasil assistance program, presented in the Provisional Measure (MP) no. 1.061/2021, which was built without any dialogue with the instances of the Single Social Assistance System (SUAS), ignoring the social, managerial and intellectual framework covering the PBF.

Among the changes, the government brings, in going against the process of overcoming poverty, the demand for proof of a relationship of formal employment for access to one of the modalities while [Brazil faces a high unemployment rate](#)<sup>7</sup>. The government also plans to increase the value of the benefit paid by the program by 50%, however, this figure was frozen for years, while the overall inflation accumulated in the last 12 months alone reached 9.98%.




<sup>6</sup>Dieese. National Survey of Basic Food Staples. Available on: <https://www.dieese.org.br/analisecestabasica/analiseCestaBasica202101.html>. And Capital Charter. Inflation, agribusiness and the absence of public policies raise the price of food in the Country. Available on: <https://www.cartacapital.com.br/economia/inflacao-agronegocio-ausencia-de-politicas-alimentares-fazem-subir-o-preco-dos-alimentos-no-pais/>

<sup>7</sup>14.6% overall, reaching 36% among the poorest half of the population. Folha de São Paulo. Available on: <https://www1.folha.uol.com.br/mercado/2021/09/taxa-de-desemprego-entre-os-mais-pobres-e-de-36-aponta-estudo.shtml>






**Recommendation 136**, that deals with **the public policies for housing of low-income families** is not being implemented and is considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>136.</b> Strengthen the public policies to reduce the housing shortage and create conditions for access to affordable housing for middle- and low-income households	Angola		

[According to a survey by the João Pinheiro Foundation<sup>8</sup>](#), in 2019, the housing deficit throughout Brazil was of 5.8 million homes, of which 79% are concentrated in low-income families. The study also indicates that 87.7% of the quantitative housing deficit (lack of houses, either due to precarious housing, family cohabitation, too many people per square meter, or high rent cost) is located in urban areas. In addition, it shows that the absolute housing deficit in Brazil increased from 5.657 million, in 2016, to 5.877 million, in 2019. These homes represent 8% of the country's households. One of the highlights of the survey was the impact of the high cost of urban rent. This category of deficit increased from 2.814 million, in 2016, to 3.035 million, in 2019, accounting for 52% of the total of the indicator. The houses whose rent cost corresponds to more than 30% of the family income enter this calculation.

In the excessive burden component of urban rent, the number of women jumped from 1.588 million (56%), in 2016, to 1.887 million (62%), in 2019. In the "cohabitation" component, there was also an increase in the participation of women. The percentage went from 50% (2016) to 56% (2019). The number of residences with some kind of inadequacy is more than 24.8 million. This was the first time this data was consolidated in the survey of the João Pinheiro Foundation. The indicator includes characteristics of urban infrastructure, such as lack of water supply, sewage, electrical energy, garbage collection, and other inadequacies, such as lack of storage space, no bathroom, inadequate roofing and floors, among others. The total number of inadequate households in the country is 24.894 million. 

<sup>8</sup> Source: <http://fjp.mg.gov.br/deficit-habitacional-no-brasil/>



The budget cuts announced by the federal government for the year 2021 are a follow-up to the government's genocidal actions. The targets have been many, from health – in the midst of a pandemic that has already killed nearly 600 thousand Brazilian men and women – to sanitation, education, census, environmental preservation, among so many key areas. In the case of housing, measures are tragic for the low-income population. The lines for production of popular housing were cut by more than 2 billion, or 81% of the approved resources. This means that no works will be started, no works will be resumed and works in more than 200 thousand homes that are in progress will be stopped.

Even programs recently announced by the government, such as land regularization and housing improvement, suffer from resource cutbacks, in a segment where approximately 80% of the housing deficit is concentrated. Indeed, the federal government launched the

[Green and Yellow House program<sup>9</sup>](#) to replace Minha Casa Minha Vida (My Home My Life), created and maintained by the Lula and Dilma governments. From the analysis of the program it can be concluded that it excludes the poorest families who earn less than R\$ 1,800.00 and are situated in the former band 1 of the MCMV, which is where there is the largest housing deficit in the country. To access the new program, families must meet a number of criteria that they cannot prove to obtain housing financing, such as having a clean name in Serasa, SPC, [and not having any debt with public banks<sup>10</sup>](#). Moreover, there is also the credit risk analysis of banks where poor families cannot get approval. In other words, by the rationale of the current government, they will continue to be excluded.






<sup>9</sup>Source: <https://forumreformaurbana.org.br/2020/08/26/programa-casa-verde-e-amarela-exclui-as-familias-mais-pobres-do-acesso-a-moradia/>

<sup>10</sup>Source: <https://unmp.org.br/2021/04/24/novo-programa-do-bolsonaro-moradia-zero/>



**Recommendation 137** that deals **with adequate housing** is not being implemented and is considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>137.</b> Continue efforts to ensure adequate housing for all	Bangladesh		

[The Zero Eviction campaign<sup>11</sup>](#) identified a 310% increase in the number of families evicted in Brazil in the last year of 6,373 families evicted by August 2020 19,875 families by August 2021. It also identified an increase in families threatened with a 495% eviction in the number of families threatened with losing their homes - 18,840 families threatened by August 2020 93,485 families threatened by August 2021. The states of Rio de Janeiro, São Paulo and Amazonas were the states where more families were removed; RJ 4,862 families; SP 4,622 families; AM 3,080 families; Paraná and Pernambuco also call attention; PR 1,656 families; PE 1,325 families. São Paulo, Amazonas and Pernambuco are the states where most families are threatened with eviction; SP 36,883 families; AM 19,173 families; PE 9,299 families Rio de Janeiro, Rio Grande do Sul, Paraná and Goiás call attention; RJ 3,512 families; RS 3,410 families; PR 3,270 families; GO 2,570 families.

The guarantee of adequate housing in Brazil, besides not being implemented, is in a situation of setback. This is what the Zero Eviction Campaign reports, a national articulation that brings together more than 100 organizations, entities, social and collective movements to act against forced evictions and removals of families from their place of residence. If, on the one hand, the Brazilian State leaves millions of families homeless and without access to a government housing access program, on the other, the Brazilian State evicts and leaves thousands of families homeless during the pandemic. The greatest proof of this is the approval by the Brazilian Congress of PL 1975/2020 that suspended the evictions in Brazil, but that was not sanctioned by President Jair Bolsonaro. These evictions are carried out on the basis of court orders and also, administratively by municipal City Halls and general public administrations,

<sup>11</sup>Source: <<https://www.campanhadespejzero.org/>>



often without the right to defense and legal proceedings, besides obviously without any housing alternative for the evicted families. The evictions take place against vulnerable populations, who demand protection from the State and live in irregular areas in the cities, with precarious access and sometimes without access to basic water services, sanitation and garbage collection, living in precarious dwellings and without living conditions. Evictions have increased in Brazil in the midst of a pandemic in which the order is to stay at home! That is what the World Health Organization told us. In this same sense, the UN's Special Rapporteur for Appropriate Housing points out in the Guidance Note to COVID-19, on provisioning that "housing has become the front line of defense against coronavirus" [and that housing has rarely been so tied to the people's right to live as it is at present<sup>12</sup>](#).



**Recommendation 138** on **measures to protect the rights of the child** is not being implemented and is considered a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>138.</b> Take further steps in enhancing the promotion and protection of the rights of the child, with a view to fully eradicating child homelessness	Croatia		

The number of people living on the streets has increased strongly in Brazil in recent years. This had repercussions on poor Brazilian families and, especially, on children and adolescents who started begging for money at traffic lights, a situation that, until recently, had already disappeared in the country.

<sup>12</sup>FARHA, Leilani. COVID-19 Guidance Note Protecting Residents of Informal Settlements. Available on: <[https://unhabitat.org/sites/default/files/2020/04/guidance\\_note\\_informal\\_settlements\\_29march\\_2020\\_final3.pdf](https://unhabitat.org/sites/default/files/2020/04/guidance_note_informal_settlements_29march_2020_final3.pdf)>. Accessed on 24/Jun/2020











[According to the survey carried out by Rio de Janeiro's City Hall<sup>13</sup>](#), 31% of the people have been on the street for less than a year, 64% of them due to having lost their jobs, homes or income. Of these, 42.8% said that if they had a job they would leave the streets. The research also presented data from the SUS service registry showing that there was an increase of 35% of women living on the streets.

The obstacles in the access to food, hygiene and rights are just a few difficulties that the street population face daily and makes them even more vulnerable. This group, which has been invisible for so many years and is so heterogeneous, has increased during the pandemic. According to data from the Institute for Applied Economic Research (Ipea), the estimate between February and March last year, when the pandemic broke out, was 221 thousand people in a street situation. This is due to the worsening of the economic and social situation in the country that outlines a new profile of people living on the streets and warns of the need for much faster actions to prevent them from staying longer on the streets and having less adherence to public offers and actions. It is a new profile of people belonging to the working class who can no longer afford their rent payment and bills and are going to the streets in search of food, but remain there because they can no longer support themselves.



<sup>13</sup>Source: <https://www.fiocruzbrasil.org.br/populacao-em-situacao-de-rua-aumentou-durante-a-pandemia/>


Recommendations 141, 143 and 144 on measures to tackle poverty and economic inequality are not being implemented.










RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
141. Implement further measures to address the problems related to poverty and socioeconomic inequality in respect of regions and vulnerable groups of the population, such as rural residents	Uzbekistan		
143. Continue the substantive efforts in the area of governance and poverty reduction	Côte d'Ivoire		
144. Continue efforts to combat poverty and to promote social equality	Lebanon		

The 2034 Program, Promotion of Racial Equality and Overcoming Racism, suffered a decline of 80% of their spending between 2014 and 2019, going from R\$ 80.4 million to R\$ 15.3 million, as a result of EC no. 95. In 2019, the budget drop of this program was 45.7% in comparison with the previous year.





**Recommendations 145, 146 and 147** that deal with the national basic sanitation plan, are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>145.</b> Address challenges of water and sanitation in favelas by full implementation of the National Sanitation Plan	África do Sul		
 <b>146.</b> Take further efforts to improve access to water and sanitation, especially in the north and north-east of the country, through the effective implementation of the principle of equality, and to gradually reduce inequalities through the implementation of the National Sanitation Plan	Spain		
 <b>147.</b> Strengthen endeavours to ensure access to safe drinking water and sanitation through installing water and sanitation	Turkey		

Instead of continuing to adopt continuous and sustainable efforts to increase the access to drinking water and a sanitary sewer system, the Federal Government has been implementing an erratic and discontinuous policy, with scarce investments and without respecting national planning. In the opposite direction of an effort to update, revitalize and align the sector with the SDGs, the Government approved in the National Congress [Law 14.026/2020](#), relying on a debatable model of massive privatization of public water supply and a sanitary sewer system in order to achieve a so-called universalization by 2033.

Implementation of the basic sanitation policy (water supply; sanitary sewer system; drainage and rainwater management; and urban cleaning and solid waste management) in the Country follows without complying with the national planning, being dictated mainly by the investment of parliamentary amendments, which brings a pulverized view of the Country's needs, considering its diversity and specificities. Although, in December 2019, the Federal Government





approved [the National Program for Rural Sanitation-PNSR](#) (one of the 3 programs of the National Plan for Basic Sanitation-Plansab<sup>14</sup>), now called the Brazilian Rural Sanitation Program (PSBR) (Ordinance no. 3.174, of 02/Dec/2019, of the Ministry of Health), its implementation remains inoperative, i.e. no action has been taken to implement it effectively. The largest relative deficit in access to drinking water and to the sanitary sewer system in the country is that of the people in rural areas, in forests and on water ([populations of rural areas and traditional communities](#))<sup>15</sup>.

In addition, the resources that the Federal Government has been allocating to the sanitation sector have been very low, both for funding public officials and for budgeting. In order to reduce regional and socioeconomic inequalities, in an unequal country, such as Brazil, it would be necessary to invest with budgetary resources, in a focused way, seeking to reach those areas that are lagging behind. These resources executed in 2020 accounted for only 0.0223% of the total spending according to data from the [Auditoria Cidadã - Citizen Audit](#).





<sup>14</sup>The federal government did not approve the revision of the Plansab after its first period of implementation, 2014-2017, on the other hand, it produced a draft review in 2018-2019, which has not so far been assessed by the related national councils (National Council for Health-CNS, National Council for the Environment-CONAMA, National Water Resources Council-CNRH and National Urban Development Council-CNDU, which replaced the National Council of Cities-ConCidades, which was extinguished in 2019)

<sup>15</sup>Source: <https://ondasbrasil.org/a-espantosa-privatizacao-das-aguas-brasileiras/> and <https://ondasbrasil.org/wp-content/uploads/2021/03/%C3%81gua-come-Direito-Tarifa-Social-come-Estrat%C3%A9gia.pdf>





**Recommendation 148** on **the security system of vulnerable groups** is not being implemented and is considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>148.</b> Further strengthen the social security system and effectively protect the rights of vulnerable groups	China		

Vulnerable groups is a concept that brings together several populations, from the population in general vulnerable to the evils of smoking and unhealthy food to specific populations, such as indigenous, Quilombolas, LGBTQIA+ and women and girls, for example.

EC no. 95/2016, of the "spending ceiling" stagnated the investment in human development (health, education, social assistance, poverty reduction), including substantial reduction of investment in education, science and technology. Since 2017, there has been stagnation in the allocation of resources to these areas, with significant decrease in the budget for education, of 17.6% from the value in 2015, if compared with 2019, i.e. more than R\$ 20 billion reais.



## *Poverty reduction and fight against inequalities*

### **Recommendations**

- 1** Immediately suspend evictions in Brazil and end administrative removals;
- 2** Ensure mediation of land conflicts, land regularization of occupied and informal areas and of the Quilombola and indigenous territories;
- 3** Build public policies for people on the street, including children and adolescents, with shelter, refuge, access to health and education and minimum income;
- 4** Manage the immediate approval of the revision of the National Basic Sanitation Plan (Plansab) by the appropriate instances and publish it. In parallel, federal sanitation policies should be guided by the current version of Plansab;
- 5** Allocating Union Budget resources in sanitation should be expanded and targeted at the most deprived areas and rural areas. In addition, there should be a clear allocation of financial and institutional resources for the implementation of the Brazil Rural Sanitation Program, as well as investments of FGTS and FAT resources should be directed toward strengthening the public managers who operate in the sector.



# About the art



**Art:** Triste realidade

**Artist:** W. Chavarry

**Techniques:** Oil on canvas

**About the art:** The artwork portrays the harsh conditions experienced by the residents of the periphery, many of them still young. The goal was to bring up emotions that are often avoided and ignored

**History with art:** With 62 years of uninterrupted production and love for art, Chavarry's main inspiration is the constant desire to immortalize ignored figures of everyday life in Rio de Janeiro

**Learn more:** <http://facebook.com/chavarryw>

## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).







*Indigenous peoples and the environment*





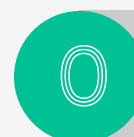
# 7 Indigenous peoples and the environment



Art: Raizes da Humanidade, Nat Grego.

Total of  
evaluated  
recommendations

26



Implemented



Partially  
implemented
















Not  
implemented



Not implemented  
and in setback

**Recommendations 35, 224, 225, 228, 242 and 243**, which deal with **measures of prevention and punishment to racism, discrimination and violence against indigenous peoples and awareness of ethnic and racial equality**, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>35.</b> Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples	<b>Uzbekistan</b>		
<b>224.</b> Ensure that indigenous peoples and other minorities are protected against all forms of discrimination	<b>Philippines</b>		
<b>225.</b> Establish mechanisms to eradicate stigma and discrimination against indigenous groups and ethnic minorities, including awareness-raising among public officials, accountability and redress mechanisms	<b>Mexico</b>		
<b>228.</b> Take measures to combat violence and discrimination against indigenous peoples	<b>Togo</b>		
<b>242.</b> Develop and implement a comprehensive strategy on fighting discrimination and marginalization of indigenous peoples	<b>Republic of Moldova</b>		
<b>243.</b> Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society	<b>Holy See</b>	 	





The administration of the current federal government marked a period of strong intensification [of the attacks on indigenous peoples and violations of their rights by the State<sup>1</sup>](#). **The scenario worsened in the first half of 2020 with the advance of the transmission of the Covid-19 in indigenous territories and concrete legislative threats to the constitutional rights of these peoples.** The Brazilian State follows in the opposite direction of promoting ethnic and racial equality and demonstrates no effort to prevent racism.

The current picture of racism, prejudice, discrimination and violence, in short, of violation of the human rights of indigenous peoples in the country has been nourished and organized on the basis of the discourse of authorities that are in charge of the Federal Executive Power, starting with the President of the Republic, whose routine speeches are loaded with racism, prejudice and hatred against the natives. The government has also adopted deliberate actions against federal entities that should protect and promote the rights of these peoples, promoting the dissolution of differentiated public policies conquered by peoples in previous years.

Bolsonaro was the spokesman for an integrationist speech, demonstrating on different occasions that he is against the right of indigenous peoples to maintain their own ways of life in their territories, comparing Indigenous Lands (IL) to zoos, the Indians living in them, to captive animals, [and he declared the need to integrate these peoples, who would be in an "inferior situation"<sup>2</sup>](#), to the ["real Brazil"<sup>3</sup>](#). The government has also made successive criticisms of what it defines as "exaggeration" of the extent of the IL, especially in the Brazilian Amazon, and the "loss" that would result from the impossibility of economic exploitation of such territories.



<sup>1</sup>Provisional Measure 870/2019, proposed by the president on January 1, 2019, determines the transfer of the National Foundation of the Indian (Funai) from the Ministry of Justice (MJ) to the Ministry of Women, Family and Human Rights, transferring its main tasks to the Ministry of Agriculture: carry out studies of land identification and delimitation and promote the surveillance and protection of demarcated areas, as well as those where there are people who have not yet established contact with national society

<sup>2</sup><https://g1.globo.com/sp/vale-do-paraiba-regiao/noticia/2018/11/30/indios-em-reservas-sao-como-animais-em-zoologicos-diz-bolsonaro.ghtml>

<sup>3</sup><https://twitter.com/jairbolsonaro/status/1080468589298229253>





Even during the electoral period, Bolsonaro stated that he would not demarcate another centimeter of indigenous territories, anticipating that if elected, he would not fulfill this constitutional duty<sup>4</sup> and reiterated these claims after being elected.

Meeting the interests of the ruralist and mining sectors in exploiting Indigenous Lands economically<sup>5</sup>, the government has disseminated a discourse that presents indigenous peoples as people living in poverty, who are manipulated by foreign Non-Governmental Organizations, and “waste” a huge potential for latent economic profit in their territories<sup>6</sup>. Such assertions would already be extremely serious if they were only at the level of the discursive narrative, but they have guided the actions of federal entities, so that today, **all processes of territorial recognition in the country are paralyzed**, setting a serious precedent of disrespect to the Brazilian constitutional text.

The Report *Violence against indigenous peoples in Brazil: data of 2020*<sup>7</sup>, systematized every year by the Missionary Indigenous Council (Cimi), emphasizes that the invasions in indigenous lands are directly related to the availability of these areas for exploitation by agribusiness, mining and logging companies. The Report identified that, in 2020, the cases of “potential invasions, illegal exploitation of resources, and damages to property” had increased, in relation to the already alarming number that had been recorded in the first year of the Bolsonaro government<sup>8</sup>. It emphasizes that the serious health crisis caused by the coronavirus pandemic, contrary to what could be expected, and did not prevent land invaders, prospectors, loggers and other invaders from intensifying their efforts on indigenous lands<sup>9</sup>.



<sup>4</sup><https://www1.folha.uol.com.br/poder/2018/11/no-que-depender-de-mim-nao-tem-mais-demarcacao-de-terra-indigena-diz-bolsonaro-a-tv.shtml>

<sup>5</sup><https://www1.folha.uol.com.br/poder/2019/02/dez-anos-apos-vitoria-no-stf-indigenas-se-preparam-para-enfrentar-bolsonaro-em-rr.shtml>

<sup>6</sup><https://exame.abril.com.br/brasil/bolsonaro-defende-exploracao-de-terras-indigenas-e-chama-ongs-de-picaretas/>

<sup>7</sup> <https://cimi.org.br/2021/10/relatorioviolencia2020/>, of the Missionary Indigenous Council (CIMI)

<sup>8</sup> There were 263 cases of the type recorded in 2020 – an increase in relation to 2019, when 256 cases were recorded, and a 137% increase in comparison to 2018, when 111 cases had been identified. This was the fifth consecutive increase recorded in cases of this type, which in 2020 reached at least 201 indigenous lands, of 145 peoples, in 19 states

<sup>9</sup> Check it out on: <https://cimi.org.br/wp-content/uploads/2021/10/relatorio-violencia-povos-indigenas-2020-cimi.pdf>





The prejudice and discrimination practiced by the Bolsonaro government can also be clearly pointed out when **all collegiate authorities linked to the federal public administration created by decree or lower normative act were extinguished by decree, reaching practically all the spaces of civil participation related to the Indigenous policies**, among them the National Council of Indigenous Policy, National Commission of Indigenous School Education, the Steering Committee of the National Policy for Territorial and Environmental Management of Indigenous Lands.

It is in this **scenario of deep setbacks, marked by racist discourses, policies contrary to the promotion of human rights and regression of civilized standards**, that we affirm that the Brazilian government has contributed to the increase of discrimination against indigenous peoples and to the increase of violence against these peoples.





































Also, there is the non-implementation and stoppage of educational programs aimed at providing adequate treatment to the contribution of indigenous peoples and black populations in the school curriculum in compliance with **Law no. 11.645** to include in the official curriculum of the school network the obligation of teaching on the theme "Afro-Brazilian and Indigenous History and Culture".


Although the Federal Senate promulgated in 2021 the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance and the President of the Republic ratified with the OAS the accession of the Brazilian State to the Convention, we assessed that the Brazilian State **has not shown any effort in recent years to comply with the recommendations<sup>10</sup> to promote ethnic and racial equality and to adopt measures to prevent and punish racism, discrimination and violence against indigenous peoples.**



<sup>10</sup>Legislative decree 1, 2021, published in the Official Gazette of the Government on February 19, 2021, ratified by the Presidency of the Republic on May 12, 2021

**Recommendations 218, 222, 235 and 241**, which focus on the **promotion of indigenous health, infant mortality, food and sanitation in the villages**, as well as the **promotion of intercultural education** are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>218.</b> 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	 	  
<b>222.</b> Continue proactive measures to promote rights of indigenous peoples as well as of the Afro-Brazilian population and ensure their well-being	Bangladesh	         	  
<b>235.</b> 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	 	  
<b>241.</b> Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys	Paraguay	         	  

**The Brazilian government continues to fail in its duty to provide assistance and implement sound public policies to improve the health and education conditions of indigenous peoples.** In recent years no specific policy has been recorded for indigenous peoples, but what has happened is the weakening of existing policies along with the dismantling of entities that should implement them, with a reduction in the budget and federal programs. 



Indigenous health, while being the responsibility of the federal government, has been suffering serious attacks and setbacks. Among these, we can point out the reduction of the budget, the restructuring of the Mais Médicos<sup>11</sup> program and the attempt of municipalizing and extinguishing the Special Secretariat of Indigenous Health (SESAI) and consequently the Subsystem of Attention to Indigenous Health (SASI-SUS)<sup>12</sup>.

A survey by Fian Brasil with the Missionary Council for Indigenous Peoples (CIMI in portuguese) to measure food and nutritional insecurity in three Guarani and Kaiowá communities in Mato Grosso do Sul (Guaiviry, Apyka'l and Kurusu Amba) [shows that 28% of households had people under 18 years of age found in severe food insecurity](#)<sup>13</sup>.

Indigenous children are also more vulnerable to infant mortality than other categories of the population in Brazil. A [Ministry of Health survey](#)<sup>14</sup> evaluated the main risk factors for infant mortality: the socioeconomic conditions of indigenous communities, the access of health teams to indigenous territories, the right to land, food and nutritional security, access to education

and other human rights, environmental degradation, pollution and the reduction of traditional food sources. It also shows that the infant mortality rate is 29.8 per 1000 born in the indigenous population assisted by SASISUS, compared to 12.7 in the general population of Brazil (2016).

In early April 2020, [the Organization of American States \(OAS\) warned in a public notice](#)<sup>15</sup> that indigenous peoples are facing a situation of double vulnerability and urged States to protect the well-being and health of their indigenous peoples, **however, the Brazilian government's response to the impact of the Covid-19 pandemic [has not been satisfactory at any level](#)**<sup>16</sup>, putting the country on alert in the list of the most affected worldwide<sup>17</sup>.

**Fiscal austerity measures [have reduced resources of important social programs to combat the pandemic](#)**<sup>18</sup>. Actions of IL demarcation and monitoring, many of which were invaded during the Covid-19 pandemic, had low budgetary execution between January and May 2020. Despite the emergency situation, [only 39% of federal funds to combat the pandemic among indigenous peoples were in fact executed](#)<sup>19</sup>.



<sup>11</sup>Generating a loss of 81% of the medical staff working in the Special Sanitary Indigenous Districts


<sup>12</sup>The mobilization of the indigenous peoples in March of 2019 managed to reverse the process of municipalization, however, in May, the Decree no. 9975 was signed by the President, which restructured the internal entities and competences of the Ministry of Health and eliminated the Department of Management of SESA, which gave more autonomy to the Subsystem, making indigenous health more fragile

<sup>13</sup><https://fianbrasil.org.br/ha-criancas-guarani-e-kaiowa-que-dormem-com-fome-diz-lideranca-indigena/>

<sup>14</sup><https://www.gov.br/saude/pt-br/centrais-de-conteudo/apresentacoes/2018/apresenta-o-mortalidade-infantil-indigena-semin-rio-sa-de-indigena-em-debate-pdf>



The omission of the State in its role of guaranteeing basic health care to indigenous peoples is also flagrant in the increasing mortality of indigenous babies, which rose again in 2019. [Data from the Ministry of Health show that, between January and September 2019<sup>20</sup>](#), the last month with available statistics, 530 indigenous babies died up to 1 year of age.

In July 2020, the Articulation of Indigenous Peoples of Brazil (APIB), together with six opposition parties, presented to the STF a [Claim of Violation of Fundamental Measure \(ADPO\)<sup>21</sup>](#), with the objective of demanding from the State measures concerning [the risk of genocide<sup>22</sup> of several peoples as a result of the pandemic](#). The document issued expresses the request for the government to exercise its obligation to safeguard the health and safety of indigenous peoples<sup>23</sup>. If the situation of indigenous health shows precariousness, the same is true of indigenous education. Data from the Ministry of Education (MEC) show that 1,029 indigenous schools do not operate in school buildings, and 1,027 indigenous schools are not regularized by their education systems. In addition, [1,970 schools do not have filtered water, 1,076 do not have electricity and 1,634 schools do not have sanitary sewage; 3,077 schools do not have a library and 1,546 do not use specific didactic material<sup>24</sup>](#). The precariousness in the school infrastructure is accompanied by the lack of pedagogic and didactic supervision. 

<sup>15</sup>Statement from the OAS General Secretariat on the Situation of Indigenous Peoples during the COVID-19 Crisis, in the OAS of 03/Apr/2020

<sup>16</sup>The Government's response plunges Brazil into a crisis of international credibility, in UOL on May 20, 2020

<sup>17</sup>The positioning of the Brazilian federal government regarding the pandemic is marked by the denial to science, by the successive changes of Health ministers, by the insistent opposition to measures of social isolation and to the use of masks, by the absence of a national plan to face the pandemic, by the lack of massive campaigns of dissemination of information, by recommending the indiscriminate use of medication without scientific evidence, by the underreporting of cases and by the lack of testing, as well as the crisis brought about with other federal entities and powers and official pronouncements of the president that systematically ignore the alarming increase of deaths and emphasize as a national priority the protection of the economy. Brazil accounted for, in the first week of July, more than 66 thousand deaths (Coronavirus Panel, Ministry of Health). In the case of indigenous peoples, the impact of the community transmission of Covid-19 is more serious and established a humanitarian crisis, especially in the indigenous peoples of the Amazon

<sup>18</sup>Report Brazil, of the Institute of Socioeconomic Studies (Inesc)

<sup>19</sup>In accordance with the report of [Transparência Brasil "Federal spending to combat the covid-19 in indigenous peoples"](#), published in June 2020

<sup>20</sup>Data from the Ministry of Health obtained by BBC News Brasil based on the Law of Access to Information, as follows: After the departure of Cuban doctors, deaths of indigenous babies grew 12% in 2019, in G1 on March 02, 2020

<sup>21</sup>Claim of Violation of Fundamental Measure (ADPF) 709/20

<sup>22</sup>ADPF 709: the indigenous voice against genocide– Direct use of the concentrated control of constitutionality represents a milestone in the defense of indigenous rights, in JOTA Opinião e Análise on July 08, 2020

<sup>23</sup>Among the emergency measures, the claim asks the STF to determine to the federal government: the installation of sanitary barriers in more than 30 territories where indigenous peoples are living in voluntary isolation or of recent contact; the withdrawal of invaders in eight indigenous lands; assistance to all indigenous people by Sesai, including those in the urban context or inhabitants of territories not approved, and the drafting of a plan in the fight against Covid-19 for indigenous peoples

<sup>24</sup><https://www.correiodopovo.com.br/not%C3%ADcias/ensino/realidade-escolar-ind%C3%ADgena-requer-aten%C3%A7%C3%A3o-no-brasil-1.333956>






The changes made to the MEC structure by the Bolsonaro government led to the extinction of the Secretariat for Continuing Education, Literacy, Diversity and Inclusion (SECADI), as well as the General Coordination of Indigenous School Education (CGEEI), and to the reduction of technicians and managers who took care of indigenous school education actions in the country. Today, indigenous school education in MEC is under the umbrella of the general coordination of "indigenous, Quilombola and rural education"<sup>25</sup>. Specific programs to support the production of differentiated educational materials and indigenous intercultural education have been interrupted as well as the proposed Ethnoeducational Territories, deactivated in previous years.

With such changes, the country that has already been referred to in initiatives of recognition of diversity, and of implementation of intercultural and bilingual education processes has moved backwards, failing to comply with the recommendations that prompted the country to move forward in quality policies to promote intercultural education.



**Recommendations 102, 223, 227, 230, 234, 236, 237, 238 and 239**, which deal with the **protection of the territorial rights of indigenous peoples, particularly of land demarcation processes, of the guarantee of financial resources to Funai and for the articulation of it with Ibama**, are not being implemented, with an obvious setback in fulfilling their constitutional duty to protect the rights and indigenous territories. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>102.</b> 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		









<sup>25</sup>This coordination, in turn, is allocated to the Board of Specialized Policy of Education and Cultural Traditions of Brazil, linked to the Secretariat of Specialized Modalities of Education, in a clear downgrading in the ministerial organization chart

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<p><b>223.</b> 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</p>	Canada	  	
<p><b>227.</b> Strengthen coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation</p>	Maldives	 	
<p><b>230.</b> 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</p>	Germany	  	
<p><b>234.</b> Ensure that indigenous peoples are protected from threats, attacks and forced evictions</p>	Norway		
<p><b>236.</b> 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</p>	Switzerland	 	
<p><b>237.</b> Continue its process of demarcation of indigenous lands</p>	Peru	 	





RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>238.</b> 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	 	
<b>239.</b> Speed up through executive action the processes of demarcation and protection of the lands of indigenous peoples and protect their respective rights	Cabo Verde	 	

Both Funai and the Brazilian Institute for the Environment and Renewable Natural Resources (Ibama) have been fragilized. During Michel Temer's term in office (2016-2018), his ephemeral ministers of Justice [acted to modify the procedure for demarcating Indigenous Lands in favor of the interests of the Rural caucus](#)<sup>26</sup>. President Bolsonaro said on several occasions that he would not demarcate any Indigenous Land during his term in office, [assuming that he would not fulfill this duty established in the Brazilian Constitution](#)<sup>27</sup>. So far, the government has not demarcated any IL, [a situation that should last until the end of his mandate](#)<sup>28</sup>. In addition, we have also seen a serious attack on Funai. The Indigenist entity was practically dismantled, suffering severe cuts in its budget and distanced itself from its institutional mission to protect and promote the rights of indigenous peoples.



<sup>26</sup><http://www.justificando.com/2017/05/08/dois-meses-de-osmar-serraglio-no-ministerio-da-justica-servico-dos-ruralistas>

<sup>27</sup><https://www1.folha.uol.com.br/poder/2018/11/no-que-depender-de-mim-nao-tem-mais-demarcacao-de-terra-indigena-diz-bolsonaro-a-tv.shtml>

<sup>28</sup><http://www.socialistamorena.com.br/promessa-de-bolsonaro-de-acabar-com-a-funai-faz-o-pais-retroceder-para-antes-da-constituente/>



Funai currently operates with a third of its workforce, [a situation aggravated by the 90% quota of its budget provided for in the Annual Budget Law of 2019<sup>29</sup>](#). The lack of employees affects especially those sectors that act in loco in the fight against violations of indigenous rights<sup>30</sup>.

In addition, the President tried to transfer the competence of demarcation of ILs from Funai to the Ministry of Agriculture, Livestock and Supply (MAPA), [dominated by the more radical wing of the ruralists<sup>31</sup>](#). The rejection of the Congress and STF to such measures did not prevent the government from guaranteeing the ruralist domain over Funai: in 2019, Bolsonaro appointed the head of the Federal Police, [Marcelo Augusto Xavier, recommended by the ruralist caucus, to preside over the entity<sup>32</sup>](#).

It should be recorded that the president of Funai requested that the Federal Police, in an unprecedented act in recent history, should open an investigation against two of the main indigenous leaders in Brazil (Sonia Guajajara and Almir Suruí), accused of slandering the president of the Republic. Both investigations have been dismissed.

There is also no evidence of any initiative to strengthen the coordination between Funai and Ibama. On the contrary, just as Funai has been emptied, Ibama has lost power and the capacity to act - of auditing and monitoring - in the Bolsonaro government, and is systematically criticized by the president and his former Minister of the Environment, Ricardo Salles, [who repeatedly claims that there is "an industry of environmental fines."<sup>33</sup>](#)



<sup>29</sup>See <https://apublica.org/2019/03/operando-com-10-do-orcamento-funai-abandona-postos-e-coordenacoes-em-areas-indigenas/> and [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9711.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9711.htm)

<sup>30</sup>According to Pública "in regions of intense land dispute in the processes of demarcation and high rates of violence, it is common that the staff members count on only one public servant. In the region of Caarapó, in the south of Mato Grosso do Sul, the scene of intense conflicts between farmers and the indigenous Guarani-Kaiowá, only one female public servant Funai assists 10 thousand indigenous people, working inside her car"

<sup>31</sup><https://g1.globo.com/politica/noticia/2019/06/19/bolsonaro-edita-nova-mp-para-manter-demarcacao-de-terras-indigenas-com-ministerio-da-agricultura.ghtml>

<sup>32</sup>In 2017, Xavier worked as an adviser of the ruralist parliamentarians in the CPI (Parliamentary Committee of Inquiry), which investigated the entity and Incra (National Institute of Colonization and Agrarian Reform). Source: <https://www.bbc.com/portuguese/brasil-49107737>

<sup>33</sup><https://epoca.globo.com/como-ricardo-salles-tem-desmontado-agenda-verde-em-favor-do-agronegocio-23652038>





In keeping with his campaign promise to end this "industry," President Jair Bolsonaro edited, in April 2019, Decree 9.760/2019, which favors environmental offenders and criminals by creating extra bureaucracy in the Federal Administration for the "conciliation" of fines. For this reason, [only 5% of the approximately R\\$ 3 billion in fines that Ibama applies annually are actually charged](#)<sup>34</sup>. In addition, a process of militarization of Ibama is under way. The boards of the environmental agency are now under the supervision of officers of the Armed Forces and of the Military Police<sup>35</sup>.

Currently, 832 Indigenous Lands are claimed by indigenous peoples in Brazil. Of these, [according to the CIMI report, 536 do not have any administrative procedure](#)<sup>36</sup>. In the opposite direction, [the State asserts the temporal milestone](#)<sup>37</sup>, articulates and promotes legislative measures that go against the constitutional precepts of guaranteeing the protection of indigenous territorial rights. By means of [Bill no. 2633/2020](#)<sup>38</sup>, of [Bill no. 191/2020](#)<sup>39</sup> and of [Normative Instruction no. 09/2020 of Funai](#)<sup>40</sup>, placed on the agenda in full pandemic, the government proposes and supports amnesty to land grabbing and regulations on areas invaded, as well as the regularization of the exploitation of minerals and resources in indigenous lands, giving continuity to the attacks on indigenous territorial rights.

In the middle of the pandemic, indigenous land invasions bring the extra risk of contamination of villages and whole peoples. Emergency actions of ensuring non-intrusion and protection of indigenous lands are fundamental to contain and prevent the advance of transmission of the Covid-19 in indigenous populations. [The most extreme case, observed in the Yanomami indigenous land](#)<sup>41</sup>, demonstrates the total neglect of the government in relation to the presence of intruders, where there is the presence of 20 thousand miners. Given this scenario, the Inter-American Commission on Human Rights (CIDH) of the OAS issued on July 20, the Resolution no. 35/2020, with preliminary injunction, recognizing the serious and imminent risk of irreparable damage to health, life and personal integrity of members of the *Yanomami* and *Ye'kwana* ethnic groups due to the continuous invasion of miners in their ancestral lands, and the failures in the management of indigenous health, demanding that the Brazilian State should take urgent measures [to prevent serious violations of human rights from being committed](#)<sup>42</sup>.

<sup>34</sup> Available in: <https://www.oc.eco.br/bolsonaro-multa-zero/>

<sup>35</sup> There are currently more than 600 military personnel in strategic positions in the government's structures


<sup>36</sup> <https://cimi.org.br/wp-content/uploads/2021/11/relatorio-violencia-povos-indigenas-2020-cimi.pdf>



<sup>37</sup> Opinion 01/2017 of the Federal Attorney's Office (AGU), which seeks to dramatically reduce the scope of the originating constitutional law of indigenous peoples to their lands traditionally occupied, to establish that they only have the right to these lands as long as they were physically in possession of them on the date of promulgation of the Federal Constitution of 1988

<sup>38</sup> Bill no. 2633/2020 – Chamber of Deputies

<sup>39</sup> Bill no. 191/2020 – Chamber of Deputies, of authorship of the federal government




**Recommendation 55**, which deals with the **climate policy and reduction of deforestation in the Amazon region**, is not being implemented and shows evidence of a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>55.</b> Continue its efforts on the implementation of the National Policy on Climate Change on reducing deforestation in the Amazon region	Ethiopia		

The 2004 Action Plan for the Prevention and Control of Deforestation in the Amazon (PPCDAm)<sup>43</sup> aimed to continuously reduce deforestation and create the conditions for the transition to a sustainable development model in the Legal Amazon. The PPCDAm was paralyzed in 2019 at the beginning of the Bolsonaro government which, after two years of dismantling environmental policies and without any action to control the deforestation, launched in April 2021, [the 2021/2022 Plan for the Amazon](#)<sup>44</sup>, setting deforestation targets 122% higher than the climate goal with which the country committed to in 2015 in the [National Climate Change Policy](#)<sup>45</sup> for 2020.

Contrary to the PPCDAm, the new plan does not present strategies, goals, actions defined for each goal, lines of action, time lines, distribution of competencies, articulations with players other than the federal government (especially with state governments), sources of resources, expected results, and indicators for monitoring the expected results.

Official data indicated in the [Report](#)<sup>46</sup> produced by the [Climate Observatory](#)<sup>47</sup>, which evaluates the first thousand days of Bolsonaro government's environmental policy, reveals that the average deforestation between 2019 and 2020 was about 62% above the annual average recorded in the previous decade. 

<sup>40</sup>Funai Normative Instruction no. 9, of April 16, 2020

<sup>41</sup>Coronavirus reaches Yanomami Land in RR and infects 80 indians; 'miners took it there', says chief of the board of Health, in G1 of July 10, 2020

<sup>42</sup>Resolution no. 35/2020, Cautionary Measure no. 563-20, of the CIDH of July 17, 2020

<sup>43</sup><http://redd.mma.gov.br/pt/acompanhamento-e-a-analise-de-impacto-das-politicas-publicas/ppcdam>

<sup>44</sup>The Government's Plan for the Amazon sets goals for deforestation> <https://www.socioambiental.org/pt-br/noticias-socioambientais/plano-do-governo-para-amazonia-estabelece-metas-para-desmatar>



Deforestation in the Amazon reached, in 2020, the highest rate, in 12 years, 10,851 km<sup>2</sup>. Preliminary studies by the National Institute of Space Research (Inpe) indicate that the mark of 10 thousand km<sup>2</sup> of destruction may be exceeded in 2021 for the third time, under the current federal government, as appointed in the report.

The deforestation in indigenous lands grew 90%, encouraged by the speech of the president of opening these areas to mining and other economic activities. The most deforested indigenous lands were Cachoeira Seca, Apyterewa and Ituna-Itatá, in Pará, the target of an Ibama operation against mining and land-grabbing this year –<sup>49</sup>. The number of indigenous lands with deforestation alerts grew by 31%, in 2020, compared to the previous year, according to data from MapBiomas Alerta<sup>50</sup>.

In 2019 and 2020, the largest mining areas were opened in indigenous lands, since the 1980s, and the destruction of forests by illegal mining has increased ten times in the period, MapBiomas points out. In 2019, the last year for which data are available, the number of invasions of indigenous lands grew by 135%.

These significant increases of deforestation rates result from the demobilization of the environmental policy in the country promoted by the current federal government, which is contrary to the recommendation of establishing a climate policy with the reduction of the deforestation in the Amazon region.



<sup>45</sup><https://antigo.mma.gov.br/clima/politica-nacional-sobre-mudanca-do-clima.html>

<sup>46</sup>Brazil Report: 1000 days of destruction, Climate Observatory, 2021: [https://www.oc.eco.br/wp-content/uploads/2021/11/1000Dias\\_D\\_PORTUGUES.pdf](https://www.oc.eco.br/wp-content/uploads/2021/11/1000Dias_D_PORTUGUES.pdf)

<sup>47</sup>The Climate Observatory is the main forum of the Brazilian civil society in the climate area, composed of more than 70 socio-environmental organizations: <https://www.oc.eco.br/>




<sup>48</sup>O Deforestation in indigenous areas increased by 90% in the Legal Amazon in 2019, in Globo Rural on 11/Jan/2020

<sup>49</sup>Action that resulted in the resignation of the audit agency, which was fulfilling its mission to combat deforestation - Salles exonerated IBAMA auditors after a complaint by Bolsonaro, says MPF, in UOL Notícias on July 7, 2020

<sup>50</sup>Mapbiomas Brasil



**Recommendation 226** on **indigenous rights guaranteed in economic activities** is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>226.</b> Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities	Holy See	 	


[Bill no. 191/20<sup>51</sup>](#), proposed by the federal government, which defends the economic exploitation of indigenous territories and regulates the exploitation of mineral, water and organic resources in indigenous reserves, violates articles 231 and 232 of the Brazilian Constitution, the Convention 169 of the ILO and international treaties. This Bill, mischaracterizes the territories already regularized and gives indications towards the destructuring of policies of protection, [removing the veto power of indigenous peoples with respect to the exploitation of natural resources in their territories<sup>52</sup>](#).





















<sup>51</sup>Bill no. 191/2020 – Chamber of Deputies, of authorship of the federal government

<sup>52</sup>The Brazilian Association of Anthropology (ABA), in a footnote, warns that this Bill puts into question the demarcation processes and the indigenous lands already demarcated and denies the right to free, prior and informed consent (FPIC). National Indigenous Mobilization issued a note of repudiation highlighting that this Bill reiterates Bolsonaro government's policy "of disrespect to the Democratic Rule of Law State, to human rights, to the Federal Constitution and to international treaties that recognize indigenous rights", contradicting the duty of the federal government established by the Federal Constitution of 1988 to protect the indigenous territories



**Recommendations 229, 231, 232, 233 and 240**, which deal with the extension of the democratic participation of indigenous peoples in decision-making processes, indicating the need to move forward on the free, prior and informed consent agenda, and ensuring an effective process of consultation with indigenous peoples in all decision-making that may affect them, as well as full participation in all legislative and administrative measures that affect them are not being implemented and show evidence of a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>229.</b> 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	Republic of Moldova		
 <b>231.</b> 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	  	
 <b>232.</b> Ensure an effective consultation process with indigenous peoples in all decision-making that might affect them	Estonia		
 <b>233.</b> Ensure indigenous peoples adequate consultation as well as full participation in all legislative or administrative measures affecting them	Iceland		
 <b>240.</b> Advance with the agenda for the indigenous peoples' right to free, prior and informed consent	Norway	 	





Although ILO's Convention 169, incorporated into the national legal system, determines the prior, free and informed consultation for administrative and legislative measures, the Brazilian State continues not implementing it, violating the right of indigenous peoples, Quilombolas and traditional communities to participate in decisions that affect their lives and rights.

Several works and developments continue to be planned and executed without the observance of this right, impairing the social participation of these groups in decisions that affect their future. Among the most serious decisions unilaterally adopted by the government on the rights of indigenous peoples, in 2021, is the [Joint Normative Instruction no. 01/2021<sup>53</sup>](#) of the National Foundation of the Native Indian (Funai) and the Brazilian Institute of the Environment and Renewable Natural Resources (Ibama) on specific standards for environmental licensing of potentially polluting projects and activities and of significant environmental impact on indigenous lands.

In addition, at the National Congress they are considering numerous laws that deal directly with indigenous rights, such as Bill 191 of Law 2020 and Bill 490 of 2007. Among the legislative proposals that violate the right of consultation, it is also worth highlighting, the Proposal for Legislative Decree – PDL no.177/2021, by a member of parliament from the government's parties, proposes to authorize the President of the Republic to denounce Convention 169, which represents a huge step backwards in the recognition of the rights of indigenous peoples in the country.

The Brazilian State does not generally and fairly recognize the autonomous prior consultation protocols elaborated by indigenous and tribal peoples indicating how they should be consulted. This initiative accounts for more than 60 autonomous protocols already published, with the recognition of entities of the United Nations and the Inter-American System for the protection of human rights, as the best strategy for the implementation of this right.



<sup>53</sup>See <<https://www.in.gov.br/en/web/dou/-/instrucao-normativa-conjunta-n-1-de-22-de-fevereiro-de-2021-304921201>>



Another example of the government's unwillingness to make prior consultation in Brazil was the administrative measures issued by the President in the first days of government, which promoted changes in the Brazilian state's indigenous policy, without any consultation procedure with indigenous peoples, [and in the light of the manifestations of repudiation by APIB<sup>54</sup>](#).

Within the legislative power, there are still several bills and of constitutional reform that deal with the rights of indigenous peoples and traditional communities and that are being considered in the National Congress, without any kind of consultation process. Projects, such as PEC 2015/2000, which change territorial and quilombola rights, or PL 1.016/1996, which deals with mining in ILs, are exemplified, and there is no initiative to incorporate consultation procedures for indigenous peoples in the internal regiments of the Federal Senate and the Chamber of Deputies.

During the whole period of the 3rd cycle of implementation of the UPR, there has been no progress in the agenda of democratic participation of indigenous peoples in the consultation processes and decisions that affect them. On the contrary, there is a clear inflection in indigenous rights that outline **a scenario of serious violations of indigenous peoples' rights in Brazil**, in the opposite direction to the recommendations from the UN System, either through the Special Rapporteur on Indigenous Peoples, who visited the country in March 2016, or in relation to the recommendations received by the Brazilian State in the 3rd Cycle of the Universal Periodic Review of Brazil, in 2017. The scenario we have outlined in this report **shows that the recommendations of the 3rd Cycle of the UPR, in the themes of indigenous peoples and the environment, not only are not being implemented nor taken into consideration by the Brazilian government, but record numerous setbacks in the promotion of human rights of indigenous peoples in the country and in the guarantee of their territories and the environment.**

<sup>54</sup><http://apib.info/2019/01/10/sangue-indigena-nenhuma-gota-a-mais/>



## **7** *Indigenous peoples and the environment* **Recommendations**

- 1** Promote the territorial rights of indigenous peoples by speeding up the administrative processes of territorial recognition, completing steps in the administrative process of demarcation of indigenous lands in the Executive in compliance with the constitutional text, to Decree 1775/96 and to international commitments to recognize the territorial rights of indigenous peoples, contained in Treaties signed by Brazil;
- 2** Advance in the recognition and implementation of autonomous protocols for prior consultation of indigenous peoples, quilombolas and traditional communities, as well as ensuring effective prior consultation in all decision-making processes that may affect the livelihoods and rights of these peoples, ensuring full participation in all legislative and administrative measures affecting them;
- 3** Establish programs and measures that prevent and punish racism, discrimination and violence against indigenous peoples and promote ethnic and racial equality, autonomy and the right of peoples to the difference;
- 4** Develop and implement quality programs and policies to address infant mortality and malnutrition, as well as promote integral assistance to indigenous health and to bilingual intercultural education while respecting the cultural and social specificities of indigenous peoples;
- 5** Recreate participatory councils and collegiate groups that allow indigenous social participation and control in the formulation, follow-up, implementation and evaluation of the Brazilian State's indigenous policies in the areas of territorial management, education, health and culture.





# About the art



**Art:** Raízes da Humanidade

**Artist:** Nat Grego

**Techniques:** Watercolor, colored pencils, pastel chalk and color adjustments in Photoshop

**About the art:** It portrays the need to preserve all life that inhabits the planet, in all its dimensions and complexities, so that it is possible to preserve life and the future as a society. Therefore, the work alerts us not to forget that the roots of humanity are in nature

**History with art:** The awakening to art started with a graffiti workshop. Currently, she is an illustrator and animator and works creating illustrated books and audiovisual pieces

**Learn more:** <http://natgrego.com/ilustracao/>

## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).







## *Criminal Justice*

*Prison System, Public Security, Prevention and Fight Against Torture*







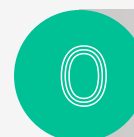
## *Criminal Justice: Prison System, Public Security, Prevention and Fight against Torture*



Art: Série Diário de Releituras, Alex Frechette.

Total of  
evaluated  
recommendations

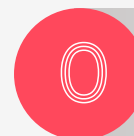
44



Implemented



Partially  
implemented









Not  
implemented



Not implemented  
and in setback

With regard to **recommendations 32, 33, 34**, which deal with **human rights education for police officers** can be considered partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>32.</b> 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		
<b>33.</b> Implement human rights training programmes for the security forces, emphasizing the use of force according to the criteria of necessity and proportionality	Italy		
<b>34.</b> Continue improving human rights education and training for enforcement agencies, public officials, and prison guards	Malaysia		

In Brazil, the ideology of policing is based on the suspicion of people whose characteristics are regarded as "suspicious elements" attributed to young blacks and residents of poor neighborhoods, such as slums and peripheries. In these places, the practice of "shoot first and question later" is the rule. Illegal prisons, torture, physical and verbal abuse are standard. In this sense, superficial changes in police training are ineffective to interrupt the policy of death by the police forces of the Brazilian State.

In 2020, the consideration of Bill<sup>1</sup> no. 5245/2020 [was initiated](#)<sup>2</sup>, which determines the introduction of content related to Human Rights, the fight against racism, to gender violence and other forms of discrimination in training courses for public and private security agents, for police, fire fighters, municipal guards and watchmen. However, these training programs have not undergone significant changes.



<sup>1</sup>Bill initiated by Senator Fabiano Contarato of the State of Espírito Santo







<sup>2</sup>Available on: <<https://www25.senado.leg.br/web/atividade/materias/-/materia/145561>>. Accessed on: September 23, 2021



















The closure of the National Committee for Education in Human Rights, responsible for the implementation of the National Program of Human Rights Education, with a specific area dedicated to the theme of education in human rights of public security agents, since 2019, it has not progressed, without any systematic action organized by the central authorities in the field of police training. It is noted that, even if the human rights issue is included, this is not done independently and with a critical approach. Finally, there are no studies on the impact and effectiveness of this training on the change in the actions of police officers.



**Recommendations 61, 62, 63, 64, 70, 71 and 98**, which deal with **police investigations and violence**, are not being implemented and are considered a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>61.</b> 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		
 <b>62.</b> Ensure investigations and recommend action against abuses by law enforcers, as a way of curbing violations	Botswana		



RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>63.</b> Strengthen prevention and effectiveness of investigation of cases of police violence thorough improved supervision and human rights training of law enforcement personnel, namely the military police, and ensure accountability for any acts of police violence	Czechia		
 <b>64.</b> Ensure that acts of violence committed by members of security forces are prosecuted in order to combat impunity	France	 	
 <b>70.</b> Refrain from resorting to violence and extrajudicial executions by the security forces, in particular the so-called "war on drugs"	Bolivarian Republic of Venezuela		
 <b>71.</b> 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		
 <b>98.</b> Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces	Indonesia		

Brazil continues with alarming rates of police lethality and institutional violence, with young blacks being the main victims. During the pandemic, the death rate due to police action continued to grow. According to the Brazilian Public Security Yearbook, in 2020, the country has reached the highest number of deaths<sup>3</sup> due to police interventions since 2013, the first year of the series monitored by the Brazilian Public Security Forum (FBSP) and since then the growth is in the order of 190%.



<sup>3</sup>With 6,416 fatal victims of the operations of civilian and military police officers in or off duty, state police officers produced an average of 17.6 deaths per day

The number of deaths by security officers increased in 18 of the 27 units in the federation, revealing a spread of police violence in all regions of the country. Despite being 56.3% of the Brazilian population, black people are victims of 78.9% of the deaths committed by police officers in the country. In the opposite direction, white people were victims of 20.9% of the deaths, [even totaling 42.7% of the population<sup>4</sup>](#).

The lack of independent resolution and investigation into such crimes contributes to accentuating the systematic impunity of state agents. Cases duly investigated and with some kind of accountability are rare..

Police violence also systematically affects children and adolescents. [According to a survey<sup>5</sup> by the United Nations Children's Fund \(UNICEF\) and the Brazilian Public Security Forum \(FBSP\)](#) in 2020, a total of at least 787 children and adolescents, aged 10 to 19 years, were killed by the police. This figure represents 15% of all intentional violent deaths in this age group and indicates that the police were responsible for the death of at least two children a day in the country, in 2020.

Violent daily operations in areas of predominance of the black population and approaches aimed at the "standard suspect color element" legitimize interventions, such as the one that murdered young João Pedro Mattos Pinto, 14, in São Gonçalo (RJ) in May 2020, the girl, Agatha Félix, 8, in the Complexo do Alemão (RJ) in September 2020, and Kauan Alves, 16, on the morning of Christmas in 2019, during the action of the Military Police of São Paulo to suppress a funk party in the southern part of the capital.

The Network of Public Security Observatories has shown in the report ["The Color of Police Violence: The Bullet Does Not Hit The Target"<sup>6</sup>](#) that racism structures public security policies and permeates a scenario of violent deaths involving black people<sup>7</sup>. According to the document, the state of Bahia has the highest percentage of black people killed by the police: 97% of the deaths in police actions are black. In Rio de Janeiro, the military police killed 1,814 people last year (the highest number in 30 years), 86% of which were black. In Pernambuco, the proportion of blacks among the victims is 93%. 

<sup>4</sup>Available on: <<https://noticias.uol.com.br/cotidiano/ultimas-noticias/2021/07/15/letalidade-policial-e-a-mais-alta-da-historia-negros-sao-78-dos-mortos.htm>>. Accessed on: September 24, 2021

<sup>5</sup>Available on: <https://www.unicef.org/brazil/media/16421/file/panorama-violencia-letal-sexual-contra-criancas-adolescentes-no-brasil.pdf>

<sup>6</sup>Available on: <http://observatorioseguranca.com.br/wordpress/wp-content/uploads/2021/09/A-Cor-da-Viole%C3%A7a-Policial-A-Bala-Na%C3%A7%C3%A3o-Erra-o-Alvo.pdf>

<sup>7</sup>Official data of the Secretariats of Public Security of the states of Bahia, Ceará, Pernambuco, Rio de Janeiro and São Paulo on the color / race of people killed by police officers in 2019 were analyzed

In Ceará, although most cases do not have a color record, of those who have a police record, the percentage of blacks is 87%. In São Paulo, where the black population represents 34% of the total population of the state, 63% of the deaths by the police are black. The figures show that police violence is racialized in Brazil and point to a necessary reorientation of protocols in police actions and operations.

Regions in which the population is mostly black receive a very high investment from the point of view of militarized public security, with the availability of weapons, police and vehicles, to the detriment of the presence of public equipment to promote social policies. The country's public security policies are oriented toward criminalization, social control, surveillance and punishment of the black population in Brazil.


The Brazilian Executive and Judicial powers share the responsibility of granting institutional authorization and approving bills that extend the legal authorization for the police to kill in service. In October 2017, the sanction of law 13.491 changed the way in which cases of police violence are to be tried, allowing the investigation of torture and ill-treatment by military police officers to be carried out by their police colleagues and commanders. In practice, the legislative amendment expanded mechanisms to shield the structural violence of the State. Before the change in law, 52% of the reports were filed. After the change, the number of closed cases, made in custody hearings, rose to 86%. Attempts by the Brazilian state to extend institutional legitimacy to deaths committed by State agents do not stop there. Currently, at least four bills are being considered in the Congress that deal with the non-initiation of proceedings to investigate security agents or military officers who commit wrongful crimes against life: PL 6125/2019, PL 9432/2017, PL 7883/2017 and PL 1595/2019<sup>8</sup>. The approval of these projects would inevitably increase the already scandalous rate of police lethality, one of the highest in the world.

In this sense, the responsibility of the State for the deaths caused by it lies not only in the individual accountability of the security agents, but also in the rulers themselves who establish the genocide of black youth as a State policy through joint and systematic action between the executive, legislative and judicial powers.



<sup>8</sup> It should be remembered that similar proposals for extending the Exclusion of lawfulness have already been discussed and that parliamentarians, after listening to experts, social movements, families and victims of state violence, civil society organizations, and even movements and associations of the security forces category, decided to withdraw them from the so-called "Anti-crime Package" approved in 2019. Also, the theme continues repeatedly returning to the agenda in the form of new bills



**Recommendations 72, 73, 74, 85, 86, 87 and 88**, which deal with the **institutional conditions for the prevention and combat to torture**, are not being implemented and today can be considered as a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>72.</b> Continue its efforts to combat torture and ill-treatment	Algeria		
 <b>73.</b> Intensify efforts aimed at combating and preventing torture and other forms of ill-treatment	Georgia		
 <b>74.</b> Establish a formaladhesion programme which includes the allocation of funds by the federal government to support the national policy on torture prevention	Ghana		
 <b>85.</b> 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		
 <b>86.</b> Consolidate the Federal National System, including by supporting States to set up Local Preventive Mechanisms	Ghana		
 <b>87.</b> Create local preventive mechanisms at each state level for effective implementation of the National Mechanism for the Prevention and Combat of Torture	Turkey		
 <b>88.</b> 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		



Brazil created and installed the National System for Prevention and Fight against Torture by [Federal Law no. 12.847/2013](#) (regulated by [Federal Decree no. 8.154/2013](#)). It includes the National Mechanism for Prevention and Fight against Torture (MNPCT) and the National Committee for Prevention and Fight Against Torture (CNPCT), structures that represent a significant step toward fulfilling constitutional responsibilities and international commitments, such as the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by [Federal Decree no 6.085/2007](#).


Such a structure should also be created in the state spheres, but it was implemented only in Rio de Janeiro (State Law no. 5.778/2010), in Pernambuco (State Law no. 14.683/2012), in Rondônia (State Law no 3.262/2013) and in Paraíba (State Law no 7.413/2011). The structure is being instituted in the states of 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 MNPCT<sup>9</sup>](#). More recently, the State Committee for Prevention and Fight against Torture (CEPCT) was created in the State of Sergipe, through Law no. 8.135 of July 13, 2019.

Calls for the composition of this in 2021 were made as a result of the incidence of local social movements and of the National Agenda for Extrication.

With regards to the continuance of the national structure of the CNPCT, its operation, including the election for composition by members of civil society, it is only possible from the active participation of civil society for its maintenance. Even if this structure is legally guaranteed, the current government has been implementing deep setbacks in its operation. A strong example of this is [Federal Decree no. 9.831/2019](#), which affects the MNPCT's autonomy and brings more difficulties to its implementation, since it cuts the payments of its experts, transforming its job positions into volunteers.
















Civil society, using the opinion of the UN Subcommittee on Prevention of Torture - in favor of the repeal of the Decree for the better guarantee of autonomy and independence of the MNPCT -, has organized itself and obtained a judicial decision that obliges the Federal Government to pay the experts. However, on May 13, 2020, the Government published a notice for the selection of new experts without providing for their payment.

<sup>9</sup>Available on: <https://mnpctbrasil.files.wordpress.com/2021/02/relatorio-bianual-2018-2019-mnpct.pdf>

**Recommendations 75, 76, 77, 79, 80, 81, 82, 83, 84, 89, 90, 91 and 92**, which deal with **conditions in the prisons** are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>75.</b> Continue taking measures aimed at improving the conditions in prisons and other detention facilities	Namibia		
 <b>76.</b> Improve detention conditions, including basic sanitation and access to water, food and medical care	Republic of Korea		
 <b>77.</b> Address overcrowding, sanitation, violence, and medical and psychological care in prisons	South Africa		
 <b>79.</b> Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture	Turquia		
 <b>80.</b> 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		
 <b>81.</b> Working jointly with the Federal States to improve detention conditions in Brazilian prisons	Algeria		
 <b>82.</b> Continue improving prison conditions and reducing overcrowding	Angola		
 <b>83.</b> 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		



RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>84.</b> Improve as quickly as possible the different aspects of prisoners' conditions	Cabo Verde		
 <b>89.</b> Continue to make efforts to protect human rights of persons in detention facilities	Holy See		
 <b>90.</b> 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		
 <b>91.</b> Enhance efforts to reform the prison system and to ensure the protection of the human rights of all detainees	Italy		
 <b>92.</b> 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		

Brazil continues to be the third country in the world with the highest rate of imprisonment and the racial selectivity of the system remains a reality. [According to the National Penitentiary Department<sup>10</sup> \(DEPEN\), 80% of the prison units that informed the race/color of their detainees indicate that approximately 52% of the imprisoned people are black.](#)

The Brazilian prison perpetuates scandalous violations of rights that have intensified in a pandemic context. The absence of effective measures to prevent the uncontrolled spread of Covid-19 inside prisons is progressively culminating in the death of people deprived of freedom.



<sup>10</sup>DEPEN. Imprisoned People in Brazilian Prisons. 2020. Available on: <https://www.gov.br/depen/pt-br/servicos/sisdepen/mais-informacoes/relatorios-infopen/relatorios-analiticos/br/brasil-dez-2020.pdf>



The existing conditions in Brazilian prisons make it impossible to guarantee basic sanitary conditions to prevent contamination by the new coronavirus, such as the supply of drinking water, basic sanitation, the supply of hygiene materials or physical distancing. In addition, we can see the lack of sun bathing, space and time available for physical exercise or even the structure for safety, considering the low effective personnel in relation to the number of people deprived of their freedom. The considerable deficit of professionals from the technical health and psychosocial teams in prisons throughout the national territory is also a reality. These professionals have fundamental importance for guaranteeing access to health services, progression of the regime and other rights provided for in the Criminal Executions Act (Law no. 7210/1984).

Overcrowding is a risk factor to health - both in terms of Covid-19 and other respiratory diseases, such as tuberculosis, infectious and dermatological diseases - and the worsening of preexisting diseases. This is all in a scenario in which, [according to the Ministry of Health and the Oswaldo Cruz Foundation<sup>11</sup> \(Fiocruz\)](#), the incidence of tuberculosis is 30 times higher in prisons than in society as a whole. Thus, among the main comorbidities in the prison system, respiratory, cardiologic and diabetes problems are highlighted. A deficiency in ensuring access to health makes particularly complex the diagnosis and treatment of diseases in the prison environment.



<sup>11</sup>The data can be found in the "Requests for Access to Information" report: **Data on COVID-19 in the Prison System in the 1st and 2nd quarters of 2020 – Key Results**, available on: <<http://www.iddd.org.br/wp-content/uploads/2021/04/idd-dados-sobre-a-covid-19-no-sistema-prisional-no-1o-e-2o-quadrimestres-2.pdf>> . Accessed on: September 09, 2021

Finally, almost half of the Brazilian prison population that is deprived of liberty provisionally awaits the right to be tried. The majority of the prison population, both male and female, is imprisoned for crimes without serious threat. [In the case of the female prison population<sup>12</sup>](#), almost 70% are deprived of freedom for crimes related to the Drug Law (Law no.11.343/2006), with more than 75% of them mothers. While there is legislation that guarantees those responsible for children up to 12 years of age to answer before justice in freedom or home detention, few women have access to those rights, especially those accused of committing crimes related to the retail trade in drugs.

For the possibility of protecting and guaranteeing the human rights of people deprived of their freedom, steps to free them from prison are urgently needed.

Deprivation of freedom as a first choice for the courts maintains about 40% of people temporarily imprisoned. Every day, torture practices are denounced by family members of people deprived of freedom across the national territory, in addition to those carried out by civil society organizations and social movements, such as the National Agenda for Extrication.

[In 2020, people arrested in Piauí died due to beriberi, a disease characterized by malnutrition<sup>13</sup>](#). The Ministry of Health's Report informs that the condition may have been aggravated by the very low quality of food provided by the criminal establishment and the absence of visitation, since family members are the main guarantors of basic food and hygiene items.


In the same year, [more than 200 civil society organizations and prison system supervision entities from across the country made an urgent appeal<sup>14</sup>](#) to international human rights organizations, denouncing the grave situation of isolation, non-communicability, lack of transparency on information regarding the COVID-19 pandemic, as well as the increase in [reports of torture by family members and former prisoners<sup>15</sup>](#).
















<sup>12</sup>See: **Women deprived of freedom**. Available on: <<http://mulheresemprisao.org.br/>>

<sup>13</sup>Available on: <https://brasil.elpais.com/brasil/2021-04-02/presos-morreram-por-falta-de-comida-adequada-em-cadeia-do-piaui-aponta-relatorio-do-ministerio-da-saude.html>


<sup>14</sup><http://www.global.org.br/wp-content/uploads/2020/07/Apelo-ONU-Final-1.pdf> Non-communicability in prisons was the main policy of coping with COVID-19 and was denounced in June 2020 to international organizations

<sup>15</sup>Source: Pastoral Carcerária Nacional. Available on: <<https://carceraria.org.br/combate-e-prevencao-a-tortura/pastoral-carceraria-divulga-relatos-e-denuncias-sobre-o-sistema-carcerario-em-tempos-de-pandemia>>

As regards **recommendations 93, 94, 95, 96 and 97** on **the conditions of imprisonment of pregnant women, the women breast-feeding infants or mothers with children up to 12 years of age**, they are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>93.</b> Take necessary measures to increase the number of gynaecologists in the Brazilian prison system	Sweden		
 <b>94.</b> 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		
 <b>95.</b> Improve prison conditions, particularly addressing overcrowding and violence, including in prisons for women	Australia		
 <b>96.</b> Improve facilities dedicated to pregnancy and maternity in prisons, in line with the Bangkok Rules	Thailand		
 <b>97.</b> Strengthen prison reform efforts to protect female prisoners from sexual abuse and violence	Bahamas		

Freedom or house arrest should be the rule for pregnant women, the women breast-feeding infants or mothers or those responsible for children up to 12 years of age, as provided for in Articles 318 and 318-A of the Code of Criminal Procedure. Article 318 of the law, included by the Legal Framework of the First Childhood (Law no. 13.257/2016), has as its objective to protect the right of the unborn child to a pregnancy away from the prison environment and of the child to proximity with the mother in such a critical stage of their development.


However, despite the express legal forecasts, the STJ continues to maintain pregnant women, women in the postpartum period, lactating mothers and/or those responsible for children up to 12 years old who were imprisoned during the pandemic<sup>16</sup>. 







<sup>16</sup>For example, we have the following cases that have been tried before the Superior Court of Justice: HC no. 509.702, HC no. 532.585, HC no. 552.808, HC no. 560.791, HC no. 558.151, HC no. 561.422, HC no. 460.953 and HC no. 522.720

After the filing of the Collective Habeas Corpus no. 143.641/SP by the Federal Supreme Court, Public Defenders from all over Brazil filed a new injunction for a Collective HC with the STF, in favor of imprisoned pregnant women, postpartum and lactating mothers, with a focus on freeing measures necessary during the period of the pandemic. However, in spite of the undeniable urgency of the situation, HC no.186,185/DF, distributed to Minister Luiz Fux on May 27, 2020, since then is without any decision, even with regard to requests for injunctions.

In the State of São Paulo, where more than 30% of the Brazilian female prison population is found, only three prison units have the presence of gynecologists. There is practically a gynecologist for every 2,000 women imprisoned. Of the 17 state units, only 5 have physicians, and in two of them there is only a general practitioner or psychiatrist. The data are from the Secretary of Penitentiary Administration of the State of São Paulo and have been provided to the Public Defender.






















**Recommendations 78, 100, 101, 103, 104, 105, 106, 107 and 108**, which deal with **the reduction of provisional prisons, improvement of the justice system and pre-trial hearings**, are not being implemented and are currently considered as a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>78.</b> 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		
 <b>100.</b> Carry out efforts for the implementation of recommendations on the improvement of the judiciary and the judicial system that the Russian Federation made at the last universal periodic review	Russian Federation		





RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>101.</b> Consider expanding application of the Custody Hearings Programme and make it feasible before all State Courts	Serbia		
 <b>103.</b> Continue its efforts on further improving the judicial system with practical measures	Azerbaijan		
 <b>104.</b> Accelerate the establishment and the effective implementation of a solid public defence system in all states, in agreement with recommendations 119.31, 119.10, 119.12 and 119.14 from the second cycle	Haiti		
 <b>105.</b> 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		
 <b>106.</b> Ensure that legislation relating to the prison situation and criminal justice is in accordance with international human rights standards	Mexico		
 <b>107.</b> 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		
 <b>108.</b> 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		



The custody hearings make it compulsory to present the person arrested to a judge, up to 24 hours, allowing a more effective control of the legality and necessity of the provisional arrest, besides being an essential instrument for preventing and combating torture and other forms of abuse by state authorities and security agents. In Brazil, the custody hearings were implemented only in 2015, after much pressure from civil society for the Brazilian government to adapt to its commitments made internationally.

However, with the start of the pandemic, the custody hearings were suspended in the country and resumed months later virtually. In October 2020, the CNJ issued [Resolution no. 357/2020](#) to admit the virtual realization of the custodian hearings in cases where it is not possible to perform in-person attendance within 24 hours.

With this kick start, the Courts of Justice of several states have made video conferencing the rule for hearings, despite the prediction of their exceptionality, abandoning the essence of the custody hearing, independently of the presentation of the custodian **before** the judicial authority.

The STF also suspended for an indefinite period the effectiveness of the provisions of Law no. 13.964/2019 which established the guarantees judge, responsible for holding custody hearings in the procedure established by the new regulations. The decision was given by Minister Luiz Fux of the STF in the Direct Lawsuits on Unconstitutionality (ADI) [6298](#), 6299, 6300 and [6305](#) and, since January 2020, when the effectiveness of the aforementioned rules by precautionary decisions was suspended, the subject is expected to be considered by the Court Plenary.

In June 2021, Minister Nunes Marques partially granted an injunction to authorize video conferences, prohibited by Law no. 13.964/2019. The trial has been interrupted and has no date yet to be resumed.

There are bills to be considered by the National Congress to extend the possibility of videoconferencing at the custody hearing, such as PL 1473/2021 and PL 8045/10, which deal with the reform of the Code of Criminal Procedure.



The political-legal movement for the remote format to extend beyond the pandemic period represents a step backwards from custody hearings and the role of the Judiciary in preventing and investigating abuses, ill-treatment and torture by security officers in police operations. The COVID-19 pandemic became an argument for weakening the institute and evidenced the intention of sectors of the Judiciary, Executive and Legislative powers to make video conferencing permanent after the coronavirus pandemic.

As a mechanism for preventing and combating torture, the custody hearing does not fulfill its function when carried out by virtual means – because it is not possible for the magistrate to properly identify indications of the practice of torture, as well as not ensuring that the environment in which the arrested person will be heard is free from external interference, guaranteeing them minimum safety to give a free and true account.

In contrast to what is needed to advance the eradication of torture, videoconferencing opens up the possibility for the person in custody to give their report in a hostile environment, in the presence of state security officers, police stations or prison units, and may even give testimony surrounded by the torturers themselves, as by agents who made the arrest, as is already happening in states, such as Pernambuco and São Paulo. This makes it unfeasible to monitor any intimidation or coercion that the person may be suffering in order not to report any abuse or violence suffered.

The weakening of constitutional guarantees deepens the selectivity and institutional racism of the Brazilian criminal justice system. When they are held by video conferencing, custody hearings lose their primary purpose of serving to guarantee rights, to qualify the decision-making process, and to prevent ill-treatment and torture. On the contrary, they end up making people already victimized by institutional violence in all its facets even more vulnerable. The admission of their execution by video conference would then refute the institute, and would greatly weaken the prevention and fight against torture suffered mainly by black people.



## *Criminal Justice: Prison System, Public Security, Prevention and Fight against Torture*

### **Recommendations**

- 1** Promote actions of imprisonment by means of the release of people accused or convicted of crimes committed without violence or serious threat, of the decriminalization of stealing to survive, of the prioritization of protective measures to the detriment of provisional prisons and compliance with the Legal Framework of the first Childhood, in order to promote the release from prison of pregnant women, women who have recently given birth, mothers or those responsible for children up to 12 years old and people with disabilities;
- 2** Carry out measures to combat and prevent institutional torture by means of the mandatory face-to-face holding of custody hearings in less than 24 hours of imprisonment, strengthening of the institutions fighting against and preventing torture in institutions of deprivation of liberty, implementation, in all federal units, committees and mechanisms for preventing and combating torture and the formal commitment of the Brazilian State to the guidelines established by the Istanbul Protocol in the investigation of cases of torture and ill-treatment;
- 3** Provide reparation for victims, families of victims and communities affected by the violent action of public security forces;
- 4** Produce and publicize disaggregated data on police activity, including arrests, use of legal and non-lethal force in investigations, operations, and other repression actions, including geo-referenced information and color/race, gender and sexual orientation of those involved;
- 5** Reduce the use of lethal and less lethal weaponry in the spaces of deprivation of liberty and implement a transparent flow of control for the remaining equipment.



# About the art

**Art:** Série Diário de Releituras

**Artist:** Alex Frechette

**Techniques:** Colored pencils on paper

**About the art:** Part of a series of re-readings, this one is from Francisco Goya's "May 3, 1808", and illustrates the harsh combats and slaughters of the civilians of the periphery, accompanied by elements that characterize soccer and the World Cup in a critical and reflective way

**History with art:** Her interest in art was awakened during her childhood, and during her adolescence she refined her skills. She is currently working on her PhD in Arts at the Rio de Janeiro State University

**Learn more:** <https://www.facebook.com/mimaravi>



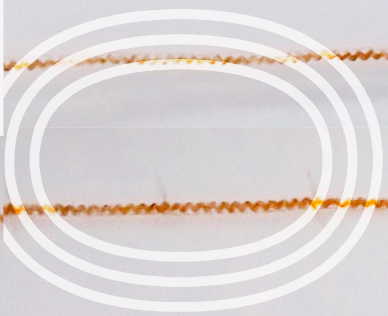
## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).







Migration, refuge, racism and (in)equalities





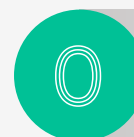
## Migration, refuge, racism and (in)equalities



Art: "Nuevo Mundo, 2019", Iracema Barbosa.

Total of  
evaluated  
recommendations

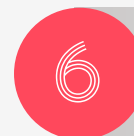
35



Implemented




Partially  
implemented






































Not  
implemented




Not implemented  
and in setback

**Recommendations 36, 37, 38, 48, 49** on **public awareness of ethnic and racial equality** are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>36.</b> Carry out specific legislative reform to strengthen measures against discrimination on the basis of gender and ethnicity	Uganda	  	  
 <b>37.</b> Take measures to eliminate cases of discrimination against certain groups in society	Iraq	   	  
 <b>38.</b> Support initiatives and strategies to combat discrimination and promote the inclusion of vulnerable persons	Madagascar	 	  
 <b>48.</b> Further promote ethnic and racial equality, building on the important policy measures already taken	Greece		  
 <b>49.</b> Continue taking active measures aimed at eradicating discrimination against Afro-Brazilian women based on their gender and ethnicity	Namibia	    	  

From 2019 to 2020, the number of racist speeches by public authorities has more than doubled (143%), going from a total of 16 to a total of 39 cases. In 2020, if we only consider the cases of great media repercussion, at least one case of racist discourse among the Brazilian authorities occurred every month.

In addition to the lack of policy promotion to increase public awareness of ethnic and racial equality issues, [racist discourse is encouraged by public authorities<sup>1</sup>](#). In addition to this context, the current situation of the Fundação Cultural Palmares (Foundation), which should promote the cultural values of influence in Brazilian society, and which currently has its presidency occupied by a public servant that encourages racism and promotes an anti-rights agenda and the dismantling of the institution. 

<sup>1</sup>Data from the "Quilombolas against racists" platform created by Terra de Direitos and by CONAQ. Available on: <https://quilombolascontraracistas.org.br/>. Accessed on 26 Oct. 2021














On the budget side, EC 95/2016 has been a major obstacle in the development of homicide prevention and education programs aimed at vulnerable groups. On the educational policy side, however, [this lack of evolution is intrinsically related to the failure to implement goal 8 of the National Education Plan \(PNE\)](#)<sup>2</sup>.



**Recommendations 39, 40 and 43** concerning **measures necessary to deal with crimes against LGBTQI people** are partially implemented.


RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>39.</b> Take necessary measures to address homophobic and transphobic crime, including by establishing a system for recording such crimes	Sweden	 	
<b>40.</b> 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	  	
<b>43.</b> 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		









[In 2019, the Supreme Federal Court \(STF\) equated homophobia crime with racism](#)<sup>3</sup>, but there is still no specific legislation that typifies the crime of homotransphobia. In addition, there is still no national record database for homophobia crimes in the country. According to the Atlas da Violência 2021<sup>4</sup>, "no initiatives have been identified to improve the quality and specificity of data produced by the Health and Human Rights secretaries, or to start producing them in the case of Public Safety.

<sup>2</sup>Data provided by the Balance Sheet of the National Education Plan, available on: [https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf)

<sup>3</sup>Available on: <https://g1.globo.com/politica/noticia/2019/06/13/stf-permite-criminalizacao-da-homofobia-e-da-transfobia.ghtml>. Accessed on Oct 26, 2021

<sup>4</sup>The yearbook uses data obtained from Disque Direitos Humanos (Disque 100, for Human Rights), linked to the Ministry of Women, Family and Human Rights (MMFDH), and the Ministry of Health's National Information System and Notification Records (Sinan) as the source for these crimes

**Recommendations 41 and 42 on public awareness of ethnic and racial equality** are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>41.</b> 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	 	
 <b>42.</b> Redouble the capacity-building efforts for all the security forces, aiming at avoiding practices of racial bias, or, directed, among others, against vulnerable minorities such as lesbian, gay, bisexual, transgender and intersex persons	Colombia	 	

According to the Atlas da Violência 2021, 5,330 cases of violence against Homosexuals and Bisexuals were reported in Brazil in 2019 - [a 9.8% increase in comparison to 2018<sup>5</sup>](#). According to data from the [Dossier on Killings and Violence against Trans people<sup>6</sup>](#), in 2020, 175 trans women were murdered in Brazil. In the following year, only in the first half of the year, [the National Association of Transvestites and Transsexuals \(ANTRA\) registered 80 killings of trans people in the country<sup>7</sup>](#).

In relation to political violence against trans parliamentarians, as the Marielle Franco Institute's research on political violence alerts, all 28 elected trans parliamentarians in Brazil reported having suffered some kind of violence during the exercise of the mandate. About 22.8% said they had suffered threats because they were trans, [and nearly half of these threats were from unidentified individuals or groups<sup>8</sup>](#).


<sup>5</sup><https://forumseguranca.org.br/wp-content/uploads/2021/08/atlas-violencia-2021-v6.pdf>











<sup>6</sup><https://antrabrazil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf>

<sup>7</sup><https://antrabrazil.files.wordpress.com/2021/07/boletim-trans-002-2021-1sem2021-1.pdf>

<sup>8</sup><https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/arquivos/pesquisa-instituto-marielle-franco>



**Recommendations 46, 60 and 65** on reinforcing or implementing measures to prevent and punish crimes of racism, discrimination and violence against indigenous peoples and people of African descent, and violence against women and girls are not being implemented and are considered a setback. 


RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>46.</b> 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	 	
 <b>60.</b> 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		
 <b>65.</b> Take further steps in order to prevent violence against people of African descent	Republic of Korea		













According to [Atlas da Violência 2021<sup>9</sup>](https://forumseguranca.org.br/wp-content/uploads/2021/08/atlas-violencia-2021-v6.pdf), between 2018 and 2019 the increase of the mortality rate among indigenous peoples (21.6%), black population (1.6%) and black women (2%) indicates an increase in the rates of violence against these groups.

Among the victims of murder, 77% of them are black and the chance of a black man being murdered in Brazil is 2.6 times higher than a non-black man. Even in view of the high rates of homicide and violence against Afro-Brazilian people, the government continues not adopting policies to promote the reduction of these rates or to reverse this scenario.



<sup>9</sup><https://forumseguranca.org.br/wp-content/uploads/2021/08/atlas-violencia-2021-v6.pdf>

**Recommendations 139, 219, 220 and 221 on the rights of Afro-descendant children**, are not being implemented and are considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>139.</b> Continue to implement and strengthen public policies and programmes for inclusion, reduction of poverty and inequality, non-discrimination and promotion of equality and inclusion	Nicaragua		
 <b>219.</b> Continue to promote the rights of communities of African descent, in particular children's rights	Senegal		
 <b>220.</b> Continue to improve procedures to ensure the rights of people of African descent	El Salvador		
 <b>221.</b> Ensure the equal access of Afro-Brazilians to poverty reduction policies and social security benefits as a means of protection of their fundamental rights	Botswana		

The federal government has failed to comply with the recommendations to ensure the protection of the rights of Afro-descendants in the country, especially when we look at the guarantee of economic and social rights. Examples of this are the high levels of food insecurity and people living in poverty in the country - further aggravated in the context of the Covid-19 pandemic.

About 59.4% of Brazilians face some level of food insecurity. Among white people, 48.9% present some level of food insecurity, while among black and mixed races, this percentage is 66.8% and 67.8%, respectively<sup>10</sup>.



<sup>10</sup>[https://refubium.fu-berlin.de/bitstream/handle/fub188/29813/WP\\_%234\\_final\\_version.pdf?sequence=2&isAllowed=y](https://refubium.fu-berlin.de/bitstream/handle/fub188/29813/WP_%234_final_version.pdf?sequence=2&isAllowed=y)





In addition to food insecurity, the Brazilian population faces an increase in extreme poverty. In the pre-pandemic period, 33% of black women were below the poverty line. In 2021, even with the emergency aid distributed by the federal government, this figure rose to 38%. [Now the rate of black women in extreme poverty has risen from 9.2% \(2019\) to 12.3%<sup>11</sup>](#). What these data demonstrate is a worsening of the social indicators in Brazil that most markedly affect the black population.















**Recommendations 209, 210, 211, 212, 213, 214, 215 and 216, on support and rights of disabled people,** are not being implemented and are considered a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>209.</b> Continue its efforts to provide the necessary assistance for vulnerable groups, particularly persons with disabilities	Myanmar		
<b>210.</b> Pursue its commitment to ensure fully the respect of human rights of persons with disabilities, namely that these persons enjoy an adequate standard of living, including in rural areas	Portugal		
<b>211.</b> Continue its efforts to consolidate the rights of persons with disabilities	Egypt		
<b>212.</b> Combat discrimination of any kind against persons with disabilities, and take specific measures to improve the standard of living for such persons	Islamic Republic of Iran		



<sup>11</sup><https://madeusp.com.br/wp-content/uploads/2021/04/NPE-010-VF.pdf>

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>213.</b> Continue to reinforce the implementation of public policies regarding persons with disabilities	Libya		
 <b>214.</b> Continue its efforts on further strengthening the rights of women, children and persons with disabilities	Mongolia		
 <b>215.</b> Implement measures in support of enhanced participation of people with disabilities in the workforce	Israel		
 <b>216.</b> Continue its efforts to increase the level of employment of persons with disabilities in the open labour market and take specific measures for women with disabilities	State of Palestine		

In terms of support for people with disabilities, between 2017 and 2021, no public actions and/or policies adopted in the period from 2017 to 2021 by the federal government for the inclusion of people with disabilities in the labor market were identified. It is worth mentioning that this data was recorded in 2021, when the law on quotas for people with disabilities in the labor market had its 30th anniversary and that, according to the Federal Government, [about 372 thousand people with disabilities are currently in the labor market](#)<sup>12</sup>.

Now in educational terms, [Decree 10.502](#)<sup>13</sup>, which establishes the National Special Education Policy (PNEE), symbolizes a setback in the rights of people with disabilities and promotes discrimination against this group. The decree aims to establish a separate education system for children and adolescents with disabilities, enrolling them in specialized institutions separate from other students. In addition, the document violates international commitments made by Brazil, [such as the International Convention on the Rights of Persons with Disabilities, and the Federal Constitution itself](#)<sup>14</sup>.





<sup>12</sup><https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/julho/cerca-de-372-mil-pessoas-com-deficiencia-estao-atualmente-no-mercado-de-trabalho>

<sup>13</sup><https://www.in.gov.br/en/web/dou/-/decreto-n-10.502-de-30-de-setembro-de-2020-280529948>

<sup>14</sup>[https://alana.org.br/wp-content/uploads/2020/10/ALANA\\_parecer\\_educacao\\_inclusiva-4.pdf](https://alana.org.br/wp-content/uploads/2020/10/ALANA_parecer_educacao_inclusiva-4.pdf)



**Recommendations 244 and 245**, which address **the new Migration Law**, are partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>244.</b> Implement the recently approved new Migrants Law and its human rights perspective on the migration issue	<b>Timor-Leste</b>		
<b>245.</b> Implement the new Migrants Law fully	<b>Greece</b>		

The New Migration Law and Brazil's international commitments on migration and refuge are being implemented in a limited way. By October 2021, more than 30 decrees were published restricting the entry of people into the country. These border restrictions have had an impact on the [increase of undocumented migrants and on mass and immediate deportations<sup>15</sup>](#). In addition, the decrees established a differentiation between land and air borders, [causing the selectivity<sup>16</sup> of migrants with access to the Brazilian territory](#).

In addition, the decrees provided for the disqualification of the request for refuge in the event of non-compliance with the rules of entry, leaving migrants without access to international protection. Since the publication of the first decree, in March 2020, the land border with Venezuela has been closed for migrants, [the main gateway for those fleeing the crisis in that country<sup>17</sup>](#). Even after flexible entry by air and other land borders, Brazil's border with Venezuela was reopened only in June 2021 with a limitation on the number of daily entry of migrants.



<sup>15</sup><https://www.conectas.org/noticias/na-onu-conectas-denuncia-politica-discriminatoria-contra-migrantes-no-brasil/>

<sup>16</sup><https://oglobo.globo.com/brasil/restricao-entrada-de-venezuelanos-no-brasil-discriminatoria-diz-centro-de-pesquisas-da-usp-24801241>

<sup>17</sup><https://www.conectas.org/noticias/organizacoes-afirmam-que-portarias-das-fronteiras-sao-excludentes-e-pedem-mudancas/>



**Recommendation 246 on the theme of refugees** is partially implemented and is considered a setback.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>246.</b> Expand government-funded resettlement services to newly arrived refugees and ensure a right to an adequate standard of living through the establishment of a National Plan of Local Integration	Canada		

[Operação Acolhida<sup>18</sup>](#), a humanitarian task force executed and coordinated by the Federal Government - through the Brazilian Army - in response to the flow of Venezuelan migrants and refugees, has as one of its pillars the interiorization. [The interiorization<sup>19</sup>](#) takes place free of charge and consists in the voluntary relocation of refugees and Venezuelan migrants to other municipalities, with the objective of socio-economic inclusion and local integration. According to the operation received, [more than 62 thousand Venezuelans<sup>20</sup> were interiorized in Brazil](#).

Despite the efforts of the federal government to relocate those arriving in Brazil by Roraima, there are many challenges in terms of the local integration of this population and in guaranteeing a decent standard of living. There is a lack of articulation of public power in the places of refuge and destination of those people who are interiorized, [with civil society primarily having the role of welcoming this population and supporting the processes of integration<sup>21</sup>](#). Moreover, there is a lack of transparency on the part of the Armed Forces that manage the process in the context of the Operação Acolhida.



<sup>18</sup>Source: BRASIL. **Operação Acolhida**. Available on: <<https://www.gov.br/casacivil/pt-br/acolhida>>

<sup>19</sup>Source: ACNUR. Available on: <<https://www.acnur.org/portugues/temas-especificos/interiorizacao/>>

<sup>20</sup>Source: Federal Government: <http://aplicacoes.mds.gov.br/snas/painel-interiorizacao/> >

<sup>21</sup>Source: MIGRAMUNDO. Available on: <https://migramundo.com/sem-atencao-do-estado-venezuelanas-dependem-da-sociedade-civil-para-garantia-de-direitos-basicos/>>



Now the resettlement consists in the relocation of refugees from a host country who have already recognized them as refugees to a [third country that has agreed to welcome them in the specific modality of resettlement](#)<sup>22</sup>. In the case of Brazil, since 2017, the lowest numbers of resettled people have been recorded: only 2 refugees were resettled in the country in 2017; in 2019, 24 people, and in 2018 and 2020 [there have been no resettlements in the country](#)<sup>23</sup>, so it is understood that this recommendation is in a situation of setback.

Finally, recommendation no. 246 mentions the establishment of a National Plan for Local Integration. In relation to the greater migratory flow to Brazil today, which is that of Venezuelans, there is a plan of interiorization, based on four modalities: social meeting, family reunification, institutional (shelter-shelter) and per posted job vacancy. However, there is no supplementary plan for local integration.



**Recommendations 9, 10, 11, 12 and 13 on the ratification of the International Convention on the Rights of Migrant Workers and their Families** are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>9.</b> Sign and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Sierra Leone		
<b>10.</b> Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Chile Indonésia Sri Lanka		












<sup>22</sup><https://www.acnur.org/portugues/solucoes-duradouras/>

<sup>23</sup>MJSP. 2021 Refuge Report in Figures. [https://portaldeimigracao.mj.gov.br/images/dados/relatorios\\_conjunturais/2020/Ref%C3%BAGio\\_em\\_N%C3%BAmoros\\_6%C2%AA\\_edi%C3%A7%C3%A3o.pdf](https://portaldeimigracao.mj.gov.br/images/dados/relatorios_conjunturais/2020/Ref%C3%BAGio_em_N%C3%BAmoros_6%C2%AA_edi%C3%A7%C3%A3o.pdf)





RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>11.</b> 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	 	
<b>12.</b> Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Guatemala	 	
<b>13.</b> Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	El Salvador	 	



The International Convention on the Rights of Migrant Workers for consideration by the [Chamber of Deputies is on hold](#)<sup>24</sup>. In August 2021, a new application was made for the creation of a Special Committee, but has not yet been considered by the Steering Committee of the House.



<sup>24</sup>Source: BRASIL. Chamber of Deputies. Available on: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=489652>>






**Recommendation 14**, which deals with **the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and ILO Convention 189**, can be considered to be partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>14.</b> 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	Philippines	 	

Although Brazil has not yet ratified the International Convention on the Protection of Migrant Workers, [ILO Convention 189 was ratified by the country in 2018<sup>25</sup>](#).



**Recommendation 17**, which deals with **the ratification of ILO Convention 87 and the finalization of internal procedures for acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families**, has not been implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>17.</b> 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	 	

Brazil is the only country of Mercosur, which still has not ratified the Convention.

<sup>25</sup>Data available on: <https://www2.camara.leg.br/legin/fed/decleg/2017/decretolegislativo-172-4-dezembro-2017-785852-publicacaooriginal-154384-pl.html>. And [https://www.ilo.org/brasilia/noticias/WCMS\\_616754/lang--pt/index.html](https://www.ilo.org/brasilia/noticias/WCMS_616754/lang--pt/index.html)



## *Migration, refuge, racism and (in)equalities*

### **Recommendations**

- 1** Ratify the International Conventions and Treaties on the protection of workers, migrants and refugees as well as ensure the full protection of these populations in Brazil as well as the full implementation of the new Migration Law;
- 2** Take concrete steps to improve the reporting and systematization of cases of violence and discrimination against the LGBTQIA+ community, in particular with transsexual people, and adopt programs to reduce violence and discrimination against them;
- 3** Adopt measures to prevent violence and racial discrimination against the black population, including religious racism, and to promote measures to protect this population - including measures to reduce police violence.



# About the art



**Art:** "Nuevo Mundo, 2019"

**Artist:** Iracema Barbosa

**Techniques:** Paper, tulle and stitching

**About the art:** It is considered a kind of discursive painting, as it joins the image of a Map of the Americas and its histories, but also uses a specific materiality. The work also discusses ways of making and the formation of thinking in the present time

**History with art:** She has a career of more than 30 years dedicated to art. She has held and organized national and international exhibitions. She has dedicated herself to academic life and is currently a professor at the University of Brasilia

**Learn more:** [www.iracemabarbosa.com](http://www.iracemabarbosa.com)



## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).











# 10

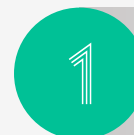
## Obligations and Commitments to Human Rights



Art: Bandeira de Farrapos, Martha Niklaus.

Total of  
evaluated  
recommendations

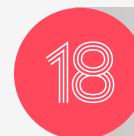
32



Implemented



Partially  
implemented











Not  
implemented



Not implemented  
and in setback



**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** continue not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>1.</b> Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights  <b>2.</b> Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights  <b>3.</b> Speed up its accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights  <b>4.</b> 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	<b>Albania</b> <b>Angola</b> <b>Argentina</b> <b>Montenegro</b> <b>Portugal</b>  <b>El Salvador</b> <b>Ukraine</b>  <b>Gabon</b>  <b>Finland</b>	      	      

In spite of a series of efforts, dialogs and talks held with Brazilian civil society, since 2011, Brazil still has not adhered to the Optional Protocol of PIDESC, which entered into force on May 05, 2013. The latest information on the progress of the process was given during a meeting with the Brazilian mission in the pre-session period of the third cycle of the UPR, in 2017, in which there was a statement that the Brazilian Government was still in the process of internal procedures to sign and ratify PF-PIDESC, some time ago, but that has not become effective. In 2019, [the Brazilian State presented a new report on the implementation of the PIDESC to the DESC Committee<sup>1</sup>](#), a report that was much criticized by civil society for not representing the reality of the implementation of this Pact in the country. In this report the State even mentions the [Optional Protocol of PIDESC and the stage of the discussions and procedures for its signature and ratification<sup>2</sup>](#).







<sup>1</sup>DESC Committee Available on: <https://ibdh.org.br/comite-desc-67-sessao/>, and Mid-Term Reports and Covid of the UPR Brazil Coalition. Available on: <https://plataformarpu.org.br/publicacoes>

<sup>2</sup>For more information, see:

<https://www.gov.br/mdh/pt-br/navegue-por-temas/atuacao-internacional/relatorios-internacionais-1/IIIRelatorioDoEstadoBrasileiroaoPactoInternacionalSobreDireitosEconomicosSociaisCulturais.pdf>



**Recommendations 5, 6, 7 and 8**, which provide guidance on the ratification of the **Optional Protocol of the Convention on the Rights of the Child on a communication procedure**, are partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>5.</b> Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Albania El Salvador Georgia Montenegro Liechtenstein		
<b>6.</b> Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Ukraine		
<b>7.</b> Ratify, before the next universal periodic review cycle, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Czechia		
<b>8.</b> Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure	Croatia Mongolia		



The instrument of communication of the Convention on the Rights of the Child of the UN from the Third Optional Protocol effectively put the rights of children on equal terms with other human rights and recognized that children and adolescents also have the right of appeal to an international mechanism, as well as adults. Under the agreement, it is established that communications could be presented to the Committee on the Rights of the Child by people or groups of people, or on behalf of them, since they are subject to the jurisdiction of a country and who claim to be victims of violations committed by this State.

It so happens that the Brazilian State promoted a reservation as regards investigations of communications, which needs to be reviewed, because without this competence the committee cannot investigate the violations of rights presented by children and adolescents through communications of the Third Protocol.

<sup>3</sup>This instrument was ratified by Brazil in September 2017, bringing with it the need for profound changes in the scenario of Brazilian public policies directed to children



**Recommendation 15**, which **deals with the adaptation of national legislation on the Firearms Trade Treaty (TCA)**, is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>15.</b> Ratify the Arms Trade Treaty and adapt its national legislation to the Treaty	Guatemala		

Brazil ratified the TCA in 2018, assuming the commitment to combat illicit arms trafficking and deal, in a balanced and legitimate manner, with the trade of the sector. However, in the Bolsonaro Government, the flexibilization of the purchase and use of weapons and ammunitions in the country<sup>4</sup> progresses. These changes resulted in the access to firearms by individuals and security and surveillance companies (previously restricted to the military and the police); in the expansion of the number of weapons and ammunitions allowed for shooters and hunters; in the reduction of control over the purchase of weapons by the public security forces and municipal guards (before it required the authorization of the Army, now it only needs to be informed about the purchases); and in the expansion of the possession of firearms by the members of the municipal

guards (including for municipalities between 50 and 500 thousand inhabitants, which before had limitations).

[According to the Brazilian Public Security Yearbook of 2021<sup>5</sup>](#), Brazil doubled the number of firearms in the hands of civilians in just three years. There is at least one weapon for every 100 Brazilians. There are 2,077,126 firearms in the hands of civil society, including the personal weapons of police and military personnel. In 2020, 186,071 new weapons were registered, an increase of 97.1% in comparison to the previous year. The measures of flexibilization of firearm licenses and use promoted by the government support the research and studies that show that the [increase in firearms in society is equal to an increase in lethal violence<sup>6</sup>](#).



<sup>4</sup>Actions of flexibilization began with a decree in January 2019, followed by two others and arriving at the current Decree no. 9,847, of June 25, 2019

<sup>5</sup>Source: 2021 Brazilian Public Security Yearbook. Available on: <<https://forumseguranca.org.br/wp-content/uploads/2021/07/anuario-2021-completo-v6-bx.pdf>>

<sup>6</sup>NATIONAL SENATE. **Experts see danger in arming citizens. Shooters expect more government incentives.** Available on: <https://www12.senado.leg.br/noticias/infomaterias/2021/03/especialistas-veem-perigo-em-armar-cidadaos-e-atiradores-esperam-mais-incentivos-do-governo>








The data point out that access to firearms contributes to the increase in lethal violence, killings and femicides, somehow affecting poor and black women, the LGBTQI+ population due to liberalization and lack of control in the use of weapons with the consent of government measures, as indicated by the analyses of FBSP, 21.



**Recommendation 16** on **the ratification of Convention no. 189 on workers and domestic workers** has fully implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>16.</b> Consider ratifying the Domestic Workers Convention, 2011	Nicarágua	 	

Although Brazil has formally ratified ILO Convention 189, in practice it does not provide effective protection for domestic workers. Before the pandemic there were about 6 million people in the category, [which corresponds to almost 15% of the working women \(10% of white and 18.6% of black workers\)](#)<sup>7</sup>. In the context of structural unemployment, this was the category most threatened and that suffered the greatest loss in the past 9 years in the integration of the formal labor market, launching them into informality and job insecurity. [It is estimated that 70% of female domestic workers, black women and heads of families, have exercised informality](#)<sup>8</sup>.

In the context of the Covid-19 pandemic, in 2020 alone, more than 2 million female domestic workers lost their jobs. An aggravating factor in this situation is that domestic work under the conditions in which it is carried out [exposes these women very intensively to the circulation of the virus](#)<sup>9</sup>.



<sup>7</sup> IPEA. The series addresses rights and vulnerabilities of domestic workers during Covid-19. Available on: [https://www.ipea.gov.br/portal/index.php?option=com\\_content&id=38184](https://www.ipea.gov.br/portal/index.php?option=com_content&id=38184)

<sup>8</sup> FENATRAD. Debate in the Chamber of Deputies concludes that a pandemic makes domestic workers more vulnerable. Available on: <https://fenatrad.org.br/2021/05/11/12510/>

<sup>9</sup> ABET. In the pandemic, domestic workers are forced to put health at risk so as not to run out of money. Special interview with Luiza Batista, of Fenatrad. Available on: <http://abet-trabalho.org.br/na-pandemia-a-trabalhadora-domestica-e-forcada-a-colocar-a-saude-em-risco-para-nao-ficar-sem-dinheiro-entrevista-especial-com-luiza-batista-da-fenatrad/> e BRASIL DE FATO. "Domestic workers are being the rug of this pandemic," analyzes trade unionist. Available on: <https://www.brasildefatores.com.br/2021/05/06/as-trabalhadoras-domesticas-estao-sendo-tapete-desta-pandemia-analisa-sindicalista>









Among the high levels of informality and the limitation of access to labor rights, these workers became a highly vulnerable group in the face of crises, whether economic, sanitary or composite, [like the current one<sup>10</sup>](#). Meanwhile, the ratification of the Convention remains stagnant and the rights of domestic workers are not being guaranteed by the federal government.



**Recommendations 18 and 19** concerning **the International Criminal Court (ICC) and the Convention on the Non-Application of Statutory Limitations to War Crimes and Crimes against Humanity** can be considered partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>18.</b> Ratify the Kampala amendments to the Rome Statute with a view to contributing to the activation of the jurisdiction of the International Criminal Court over the crime of aggression in 2017	Liechtenstein		
<b>19.</b> Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	Armenia		





[According to Mr. Pedro Sloboda, Secretary of the United Nations Division of the Ministry of Foreign Affairs<sup>11</sup>](#), at a public hearing held in the scope of the Parliamentary Observatory of the UPR, held on May 28, 2021, Brazil is a signatory to Kampala amendments and is currently in the process of ratification. "The authenticated texts of Kampala amendments, with their respective translation into Portuguese, and the explanatory statement, are in the office of the Minister of State for Foreign Affairs to be signed and forwarded to the Chief of Staff Office," he said. However, there is no further information on the stage of progress toward the ratification in the last period.

<sup>10</sup>UPR COALITION **Civil Society Report in the Context of Covid-19**. Available on: <https://plataformarpu.org.br/publicacoes>

<sup>11</sup>CHAMBER OF DEPUTIES. **Civil society criticizes the removal of a report on human rights from the government to the UN and denounces intervention in the CNDH**. Available on: <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/noticias/sociedade-civil-critica-afastamento-de-relatorio-sobre-direitos-humanos-do-governo-para-a-onu-e-denuncia-intervencao-no-cndh>



**Recommendations 21 and 22** on the **promotion of human rights** are partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>21.</b> Reinforce the fruitful cooperation with the treaty body organs of the United Nations	Côte d'Ivoire		
<b>22.</b> Further strengthen its active engagement with the international community to promote human rights in all areas	Myanmar		

On the one hand, in order to fulfill the commitment made by the Brazilian State to offer information and reports on the pacts and conventions signed by the country, there is an important movement in this last period, with several reports that were overdue and presented to international organizations<sup>12</sup>. However, in the assessment of Brazilian civil society, in these last reports presented by the State, much of the information does not effectively reflect the reality of its implementation and of the Brazilian reality concerning each of the topics and rights that are the focus of the treaties. Civil society has publicly manifested this unreal character of the Reports presented by the Brazilian State, [as is the case with the Report of the PIDES<sup>13</sup>](#) and of the [Universal Periodic Review<sup>14</sup>](#).



<sup>12</sup>Between 2019 and 2020 the State forwarded the Report to the PIDCP; CEDAW Report; CERD Report; CAT Report; PIDESC Report; Mid-Term Report of the UPR re. 3rd Cycle, etc. Available on: <https://www.gov.br/mdh/pt-br/navegue-por-temas/atuacao-internacional/relatorios-internacionais-1>

<sup>13</sup>UOL Notícias. **For human rights organizations, government delivers fake report to the UN**. Available on: <https://noticias.uol.com.br/colunas/jamil-chade/2020/08/13/para-entidades-de-direitos-humanos-governo-entrega-relatorio-fake-para-onu.html>

<sup>14</sup>CHAMBER OF DEPUTIES. **Civil society criticizes the removal of a report on human rights from the government to the UN and denounces intervention in the CNDH**. Available on: <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/noticias/sociedade-civil-critica-afastamento-de-relatorio-sobre-direitos-humanos-do-governo-para-a-onu-e-denuncia-intervencao-no-cndh>

















Another aspect that demonstrates the government's non-commitment with the promotion of human rights is the lack of policies and budget that implement the PNDH3 guidelines, and international approaches focused on this agenda. On the contrary, in international relations, Brazil has prioritized relations with countries and governments that also despite human rights, as with ultra-conservative countries and governments, such as Hungary, Poland, Guinea-Bissau, and the Trump government.

In this sense, the following actions become necessary: to keep the Reports on the implementation of international human rights covenants, conventions and commitments undertaken by the country constantly updated; promote and facilitate the participation of organized civil society in the construction of Reports on the different organizations and mechanisms; and devise actions and policies, and ensure a budget so that commitments made to the organizations of treaties and human rights mechanisms are effectively met and implemented.





**Recommendations 23, 24, 25, 26, 27, 28 and 31**, which **talk about the National Institution of Human Rights**, are not being implemented.

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







Since 2016, the [National Education Forum<sup>15</sup> \(FNE\)](#) and the [National Education Council<sup>16</sup>](#), which are instances of civil society participation to monitor and ensure the right to education, have been suffering with dismantling and political control by governments. Decree no. 577 of April 27, 2017 disfigured the Forum, making it submissive to the interests of the Ministry of Education, infringing the principles of self-representation and autonomy of civil society in democratic and participatory spaces. As for the CNE, the 24 advisers of the organization have four-year terms of office to avoid any kind of political interference in its operation. During Temer's government, the advisers were renewed, appointments were canceled, and renewal of other advisers was revoked. Since then, [the organization has served other interests than the guarantee of the right to quality education<sup>17</sup>](#).

Regarding the registration of the CNPJ and ordination of own expenses, the Ministry of Women, Family and Human Rights did not give a response. On August 27, 2019, in an arbitrary manner and without respecting the guiding principles of the National Human Rights Council (CNDH), Minister Damares Alves, of the Ministry of Women, Family and Human Rights, exonerated the Coordinator-General of the council who had been chosen by the collegiate authority. The arbitrary act disrespects the administrative autonomy and independence of the Council, established in the Principles of the Status of National Human Rights Institutions (Paris Principle)<sup>18</sup>.



<sup>15</sup> NATIONAL CAMPAIGN FOR EDUCATION. 2017. Available on: <<https://campanha.org.br/noticias/2017/07/04/campanha-nao-compora-fne-desconstruido-por-mendonca-filho-confira-carta-ao-mec/>>


<sup>16</sup> SINPRO. **UNE issues Note on the Dismantling of the National Education Council**. Available on: <<https://sinprogoias.org.br/une-emite-nota-sobre-o-desmonte-do-conselho-nacional-de-educacao/>>

<sup>17</sup> With a view to proceeding with the recommendations contained in the third cycle of the UPR, the CNDH approved Recommendation no. 10 of July 11, 2019, which recommends the maintenance of Budget Action 2019, intended for the operation of the National Human Rights Council within the framework of the Budget Unit of the Ministry of Women, Family and Human Rights, as well as presenting letter no. 1922/2019/CNDH/SNPG/MMFDH requesting the registration of the CNPJ and the creation of a proper Budget Unit for the CNDH. In response, the Ministry of Women, Family and Human Rights issued Joint Technical Note no. 11/2019/MDH in which it stated that the CNDH is no longer a Budgetary Unit and has been downgraded to a Budgetary Plan. UPR COALITION. **Mid-Term Report of Civil Society, 2019**. Available on: <https://plataformarpu.org.br/publicacoes>

<sup>18</sup> The Executive Secretary was chosen in December 2018, through Resolution no. 15, after the election of its members and the board of directors for the 2018-2020 biennium, the usual procedure and the affirmation of its autonomy. It is important to highlight that Federal Law no. 12.986 of June 2, 2014, which creates the CNDH, in its Chapter IV of the organizational structure, Art. 7 - Are organizations of the CNDH: IV - the Executive Secretariat and Resolution no. 01, of June 09, 2015 - Internal Rules: Of the structure in its Article 6, the CNDH has the following structure: V - Executive Department. In this way, the Executive Department is part of the structure of the CNDH and its choice must be made by its maximum instance to the Council's Plenary Session



**Recommendation 29**, which **deals with the alignment of the national legislation with the obligations of the Rome Statute**, is partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>29.</b> Fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court	Estonia		

The Rome Statute, which establishes the International Criminal Court (ICC in the Hague), [was approved on July 17, 1998 and ratified by Brazil on July 20, 2002<sup>19</sup>](#). However, there is no law implementing the ICC in the internal legal system, even after constitutional amendment no. 45/2004.

Nevertheless, bill no. 4038/2008 is being considered, in the National Congress, which deals with the crime of genocide, defines crimes against humanity, war crimes and crimes against the administration of justice of the ICC, institutes specific procedural rules and provides for cooperation with the ICC. This project was prepared by a committee of lawyers, of which members of the Military Public Ministry (MPM) took part.

The MPM has been committed to raising the awareness of parliamentarians on the importance and urgency of approving the bill that internalizes the crimes foreseen in the ICC. This measure, which also imposes an impact on the competence of the Union's Military Justice, is essential to make Brazil [fully capable of judging those responsible for the most serious international crimes<sup>20</sup>](#).

In a public hearing at the UPR Parliamentary Observatory, Pedro Sloboda pointed out the importance of Bill 4038/2008, which regulates the Rome Statute and is already in the National Congress. "Brazil has not regulated crimes falling within the jurisdiction of the International Criminal Court, except for the crime of genocide. It is essential to regulate the Rome Statute, [which would be made by approving this bill of 2008](#)", he reinforced<sup>21</sup>.

<sup>19</sup>BRASIL. Decree no. 4,388, of September 25, 2002. Available on: [http://www.planalto.gov.br/ccivil\\_03/decreto/2002/d4388.htm](http://www.planalto.gov.br/ccivil_03/decreto/2002/d4388.htm) and available at: [http://www.planalto.gov.br/ccivil\\_03/ato2015-2018/2015/decreto/D8604.html](http://www.planalto.gov.br/ccivil_03/ato2015-2018/2015/decreto/D8604.html)

<sup>20</sup><https://www.mpm.mp.br/dia-da-justica-penal-internacional/>

<sup>21</sup>CHAMBER OF DEPUTIES. Public Hearing examines the evolution of International Instruments, Criminal Court and war crimes. Available on: <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/observatorio-parlamentar-da-revisao-periodica-universal-da-onu/noticias/audiencia-publica-examina-evolucao-de-instrumentos-internacionais-tribunal-penal-e-crimes-de-guerra>



**Recommendations 44, 45 and 66** which **guide on the training of security forces to avoid practices of racial bias or against LGBTQIA+ people**, are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>44.</b> 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		
<b>45.</b> 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		
<b>66.</b> Take measures to improve the situation of underreporting of cases of violence and discrimination against lesbian, gay, bisexual, transgender and intersex people, and develop policies to punish and prevent those	Israel		

The speech and the actions of the current Government openly condemn the advances that recognize the rights of this population. The declarations of authorities increase their vulnerability to various types of violence, among them the institutional<sup>22</sup>.

The Plenary of the Supreme Federal Court (STF) through the judgment of the Direct [Lawsuit on Unconstitutionality by Omission \(ADO\) no. 26<sup>23</sup> of 2019](#), understood that there was an unconstitutional omission of the National Congress for not editing the law that criminalizes acts of homophobia and transphobia. The Court also recognized that the crime of homophobia and transphobia are crimes of discrimination equivalent to racism (Law no. 7.716/1989).



<sup>22</sup>In accordance with the Portal da Transparência and Siga Brasil, the federal investments for specific actions to combat homophobia started at just over R\$ 3 million, in 2008, to R\$ 519 thousand, in 2016, and, from 2017 were inexistent. Until now, in 2020, there is no heading which benefits the LGBTQIA+ population directly. Nevertheless, transsexualizing treatments were suspended because they are not considered essential. The only action taken by the federal government in this period was the elaboration of a leaflet for the LGBTQIA+ population about care regarding the coronavirus. In addition, in the context of Covid-19, the LGBTQIA+ population is more vulnerable to unemployment and depression. Of the LGBTQIA+ people interviewed, 21.6% are unemployed, while the total index in Brazil is 12.2%, according to the IBGE

<sup>23</sup>STF. STF classifies homophobia and transphobia as racism crimes by recognizing legislative omission. Available on: <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=414010>



The winning vote was based on three key points: the first foresees that, until the National Congress edits the specific law, homophobic and transphobic conduct, real or supposed, falls within the crimes provided for in Law 7.716/2018 and, in the case of homophobic murder, it is a condition that qualifies it, due to considering it a foul motive. In the second point, it provides that criminal repression of homotransphobia does not achieve or restrict the exercise of religious freedom, provided that such demonstrations do not contain hate speech. Finally, it establishes that the concept of racism goes beyond strictly biological or phenotypic aspects and reaches the denial of the dignity and humanity of vulnerable groups.





The black population also suffers from the impunity of the judiciary regarding cases of racism, typified as racial defamation. Most cases are filed resulting in disbelief when they are reported. Currently, the head of the executive power corroborates with his attitudes and public manifestations, with racism against the quilombola communities in Brazil. Such conduct from public authorities and the tolerance from the justice system have a strong impact on the naturalization of racism within society and in public institutions. During the Covid-19 pandemic, there has been a growing concern for the most vulnerable communities of the working class, among them the black population and the indigenous people, especially women, who are part of the risk groups, while social subjects who, historically, have routinely been experiencing difficulties given the lack of existing public policies on social inclusion.







**Recommendation 47** continues not being implemented **which deals with the strengthening of policies for the prevention and punishment of discrimination against racism, violence against indigenous peoples and children, and also in combating violence against indigenous and Afro-Brazilian children from an integral and intercultural perspective.**

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>47.</b> 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	  	

No measure or policy of prevention and punishment of discrimination against indigenous children and of combating violence against indigenous women and girls from an intercultural perspective was perceived. In the Final Document of the First National March of Indigenous Women, held from August 09 to 14, 2019, in Brasília, 2,500 indigenous women of 130 distinct peoples from all regions of Brazil warn that we must combat discrimination of indigenous peoples in the spaces of decision, especially of women, who are victims of racism and sexism. Through this document, the indigenous women reaffirm the need for a specific legislation that combats violence against indigenous women, culturally oriented to the reality of their peoples. In contrast to these recommendations, the case of the Yanomami women in search of the missing bodies of their babies killed by Covid-19 in a hospital in Boa Vista(RR), gained notoriety through a publication by journalist Eliane Brum, reflects the disgraceful treatment received by indigenous peoples and the violation of their rights during the pandemic, aggravated in the case of women, as shown in the situation portrayed– they didn't even speak Portuguese.

On the educational policy side, however, this lack of evolution is intrinsically related to the failure to implement goal 8 of the [National Education Plan \(PNE\)<sup>24</sup>](#).





<sup>24</sup>Data provided by the Balance Sheet of the National Education Plan, available on:

[https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO\\_PNE\\_CARTELAS\\_VF.pdf](https://media.campanha.org.br/semanadeacaomundial/2021/materiais/BALANCO_PNE_CARTELAS_VF.pdf)




**With regard to recommendation 58 on the establishment of specific conditions for the use of force by law enforcement officers during protests and demonstrations,** is considered partially implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>58.</b> 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		

It was observed that the training programs for the police had no significant changes, which is why the situation remains virtually the same as reported in the Mid-Term Report delivered by Civil Society in 2019. Although there is the thematic inclusion of human rights, this inclusion is not made independently and with critical approach, neither are there studies on the impact and effectiveness of this type of training in changing the conduct of police officers in their activities. Aligned to this, the closure of the National Committee for Education in Human Rights (CNDEH), responsible for the implementation of the National Program of Human Rights Education, with an area dedicated to the theme of education in human rights of public security agents, already in 2019, follows in the same situation, without any systematic action organized by the central authorities in the field of police training. In addition to the points mentioned above, attention is given to the fact that violence was encouraged by federal and state authorities in the first year of their terms in office. Regarding the period of emergency situation of the Covid-19 pandemic, no substantial changes were identified in the model of action of police forces. In addition, it should be reinforced that positions which are present in society and express support for the idea that "a good criminal is a dead criminal" (in March of 2018, 50% of Brazilians agreed with this statement and 37% opposed it, according to a survey by Ibope) continue to provide cover for the practice of police violence against the population. Such violence also has a recurring pattern which is the structural and institutional racism, since the majority of deaths as a result of police actions is of poor black men.





**Recommendation 59**, that deals with **training on human rights** is not being implemented and is considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>59.</b> Strengthen measures to prevent abuses by some law enforcement officials, including through providing appropriate human rights training	Rwanda		

The right to education and constitutional guarantees have not been ensured. On the contrary, moral guidelines, contrary to the diversity of gender and race, have assumed importance. The government has promoted the conservative agenda in customs, as in the defense of homeschooling, of School Without Party and of militarization in education. On homeschooling/home education, PL 3179/2012 came into focus and was debated, with strong government support. Militarization in education has also been strongly encouraged and increased.




In addition, the government has promoted agendas of gender discrimination, sexual orientation, race and others in education, such as the conservative actions of the School Without Party Movement which, through legislative measures in the three administrative spheres, attack the guidelines aimed at the pedagogical promotion of gender equality and the coping of misogynistic violence, with deep attacks on the guidelines of the education plans. As a result, institutions and agents responsible for applying the law have been encouraged to distort the interpretation of the law and to diminish the importance of human rights, [including in relation to the socio-educational system](#)<sup>25</sup>.



<sup>25</sup>NATIONAL CAMPAIGN FOR EDUCATION. Available on: <https://campanha.org.br/noticias/2021/05/21/mais-de-350-entidades-assinam-manifesto-contra-regulamentacao-da-educacao-domiciliar/>; <https://campanha.org.br/noticias/2021/03/23/comissao-interamericana-de-direitos-humanos-recomenda-ao-brasil-o-aumento-dos-investimentos-publicos-em-educacao/> and <https://campanha.org.br/analises/pilar-guimaraes/quem-inventou-grades-nao-sabe-dor-da-saudade/>



**Recommendation 68** on **the reduction of armed violence** is still not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>68.</b> Undertake strategies to reduce gun violence, particularly among poor black youth	Bahamas	 	

Brazil has not developed a strategy for the reduction of armed violence, on the contrary, in fulfillment of President Jair Bolsonaro's campaign promises, a policy for the dissemination of firearms and ammunition is under way, which relax the norms of the [Disarmament Statute](#)<sup>26</sup> and impose obstacles to the ability to track the ammunition used in crimes. With the rhetoric of the "war on trafficking," following the necropolitics of public security, police operations in the most impoverished areas of cities, especially in slums and outlying areas, continued with much violence and lethality, especially among young blacks.

[According to the Atlas da Violência](#)<sup>27</sup> in 2020, Brazil had an increase of almost 200% in the sales of firearms controlled by the Federal Police in the first half of the year, and 24% in the sale of ammunition between January and May. With regard to armed violence, 41,179 people were murdered by firearms in the country, which corresponded to a rate of 19.8 per 100 thousand inhabitants.

The same Atlas da Violência (2020) points out that black people accounted for 75.7% of the victims of murder. The homicide rate per 100 thousand inhabitants is 37.8. Among non-black people, the rate was 13.9. Murders continue to be the main cause of mortality among young people between 15 and 29 years of age. The data points to 30,873 young victims of homicides, a rate of 60.4 murders per 100 thousand young people, and 53.3% of the country's total homicides. Among young males, homicides accounted for 55.6% of deaths among young people aged 15 to 19 years; 52.3% between 20 and 24 years; and 43.7% of those aged 25 to 29 years.





<sup>26</sup>BRASIL. Law 10826/03. Available on: [http://www.planalto.gov.br/ccivil\\_03/leis/2003/l10.826.htm](http://www.planalto.gov.br/ccivil_03/leis/2003/l10.826.htm)

<sup>27</sup>IPEA. **Atlas da Violência 2020**. Available on: <https://www.ipea.gov.br/atlasviolencia/download/24/atlas-da-violencia-2020>



**Recommendation 123**, on **strengthening civil society so that it can participate in humanitarian assistance and major sporting events** is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>123.</b> Strengthen civil society to participate in humanitarian assistance and in major sports events	Sudan		

Social participation is one of the pillars of the Federal Constitution of 1988 and is a right guaranteed in numerous international treaties. In Brazil, its implementation took place, on the one hand, in the guarantee of autonomy in civil society operations and in the existence of formal and informal spaces for participation to channel the demands of popular organizations and movements. Although Recommendation 123 refers to a particular Brazilian context of the previous review cycle, its relevance to human rights defenders is even greater today due to the context of closing spaces of social participation and democratic exercise in the country, in a deliberate dismantling of various instances of action of civil society.

The dismantling is characterized not only by the violence and criminalization of the DDH and the restriction of the right of protest, but also by the closure of public spaces for monitoring, surveillance and social participation in public policies. Over 700 collegiate authorities, including councils, commissions and social participation committees, have been abolished in Brazil in recent years. The main Decree that extinguished them, Decree no. 9.759/2019, establishes the extinction of all federal public administration collegiate authorities created by Decree or Order, in addition to creating rules for the functioning of the others that restrict access to civil society. Decree no. 8.243/2014, which instituted the National Social Participation Policy (PNPS) and the National Social Participation System (SNPS), was totally revoked.






These Decrees, by excluding Commissions, Committees and other types of collegiate groups, besides restricting the right to participation at first level, make it impossible to continue public policies that need participatory governance arrangements to be effective and that have been dismantled with the decrees.



The stigmatizing discourses and the dismantling of social policies also have an impact on the environment of civil society – especially in the security and protection conditions of its activities – in that they increase the risk of threat and the occurrence of physical and digital attacks. During the election campaign, President Jair Bolsonaro

promised to “put a stop to all Brazilian activism.” In 2019, he said: “As long as I am President there will be no demarcation of” indigenous land”, also opposing the existence of quilombola lands and areas of environmental protection. He even said that he would not be able to “kill this cancer called NGO”, especially in reference to organizations that work on environmental issues and in the Amazon. In particular, the dismantling of the entitlement and certification of indigenous and quilombola lands, as well as environmental protection policies affect the capacities of these communities to organize and claim their rights.





**Recommendation 206**, which deals with the **rejection of proposals providing for a reduction in the age of criminal responsibility**, is not being implemented and is considered a setback. 

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
 <b>206.</b> Reject proposed Constitutional amendments and draft bills that seek to reduce the age of criminal responsibility	Uruguay	 	

[Despite the guidelines established by the United Nations on the subject<sup>28</sup>](#), Brazil has for many years been living with parliamentary proposals to [reduce the age of criminal responsibility<sup>29</sup>](#) without the possibility being definitively removed. In addition, the current government suggests that the proposal to Constitutional Amendment no. 115/2015, which reinforces the possibility of a setback in relation to the recommendation in the relevant request, should be approved.

[In 2015, PEC no. 171 of 1993 was approved in the Chamber of Deputies<sup>30</sup>](#), with 320 votes in favor and 152 against, which intended to reduce the age of criminal responsibility to 16 years.

Although there were no demonstrations by the Federal Senate about the proposed amendment to the Federal Constitution in 2019, [Senator Flávio Bolsonaro presented a new draft constitutional amendment<sup>31</sup> \(no. 32 of 2019\)](#), with the expectation of a reduction of the age of criminal responsibility to 14 years. This new PEC was approved in 2020 by the National Youth Secretariat (SNJ) of the Ministry of Women, Family and Human Rights (MMFDH). In fact, it is currently awaiting the nomination of a rapporteur in the Federal Senate's Constitution, Justice and Citizenship Committee.

<sup>28</sup> UNICEF. **Convention on the Rights of Children**. Available on: <<https://www.unicef.org/brazil/convencao-sobre-os-direitos-da-crianca>>

<sup>29</sup> G1. **87% are in favor of reducing the age of criminal responsibility, says Datafolha**. Available on <<http://g1.globo.com/politica/noticia/2015/04/87-dos-brasileiros-sao-favor-da-reducao-da-maioridade-penal.html>>. CARTA CAPITAL. **POLITICS Bolsonaro calls for the Senate to approve a reduction in the age of criminal responsibility**. Available on: <<https://www.cartacapital.com.br/politica/bolsonaro-pede-que-senado-aprove-reducao-da-maioridade-penal/>>

<sup>30</sup> BRASIL. Senate. **PEC 171 of 1993**. Available on: <<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=14493>>

<sup>31</sup> Source: BRASIL. Senate. **PEC 32 of 2019**. Available on: <<https://www25.senado.leg.br/web/atividade/materias/-/materia/135977>>



**Recommendation 217** on **the rights of indigenous peoples, regarding food and basic sanitation**, is not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>217.</b> Develop and implement policy to address child mortality, malnutrition, health, education and access to sanitation, of indigenous people	South Africa		

The Action of Food Distribution to Specific Traditional Population Groups (Food Staples), which includes indigenous peoples, suffered a drop in the budget of more than 90% if we compare the budget approved in the Annual Budget Law (LOA) for actions related to food safety in 2014, 2019 and 2020. Data from the Ministry of Health show that between January and September 2019, the last month with available statistics, 530 indigenous babies died under 1 year of age.





## 10

*Obligations and  
Commitments to Human Rights*  
**Recommendations**

- 1** It is recommended that the Brazilian State should proceed as soon as possible in signing and ratifying the optional Protocol of PIDESC;
- 2** Forward the documents necessary for the ratification of Kampala Amendments to the Chief of Staff Office and to ratify the instrument as well as to raise the awareness of society on the content and commitments that the Brazilian State assumes in ratifying the Kampala Amendments;
- 3** Restore the FNE according to the model that existed before Decree no. 577/2017 and promote a CNE that actually represents education, with diversity of interests and respectful of democratic participation;
- 4** Apply the Disarmament Statute effectively in the country, in order to avoid the increase of weapons circulating in society, in the same way as promoting concrete actions and mechanisms of control, supervision and transparency in the operation of the apparatus of the State security forces;
- 5** Keep the Reports on the implementation of international human rights pacts, conventions and commitments undertaken by the country up-to-date on a permanent basis.



# About the art

**Art:** Bandeira de Farrapos

**Artist:** Martha Niklaus

**Techniques:** The artwork was made using clothes of homeless people from the city of Rio de Janeiro, sewn in the shape of the Brazilian flag and recorded in photography

**About the art:** The artwork was created in 1993, in a process of interaction with the homeless people of Rio de Janeiro. The clothes worn by these people were sewn together to form the Brazilian flag, which was later photographed by Beto Felício

**History with art:** Niklaus has a background of 45 years in the art world. She likes to use the most diverse techniques and materials, especially the three-dimensional ones. Her main creative impulse comes from the desire to interfere in the world in order to transform it

**Learn more:** <https://www.marthaniklaus.com/>



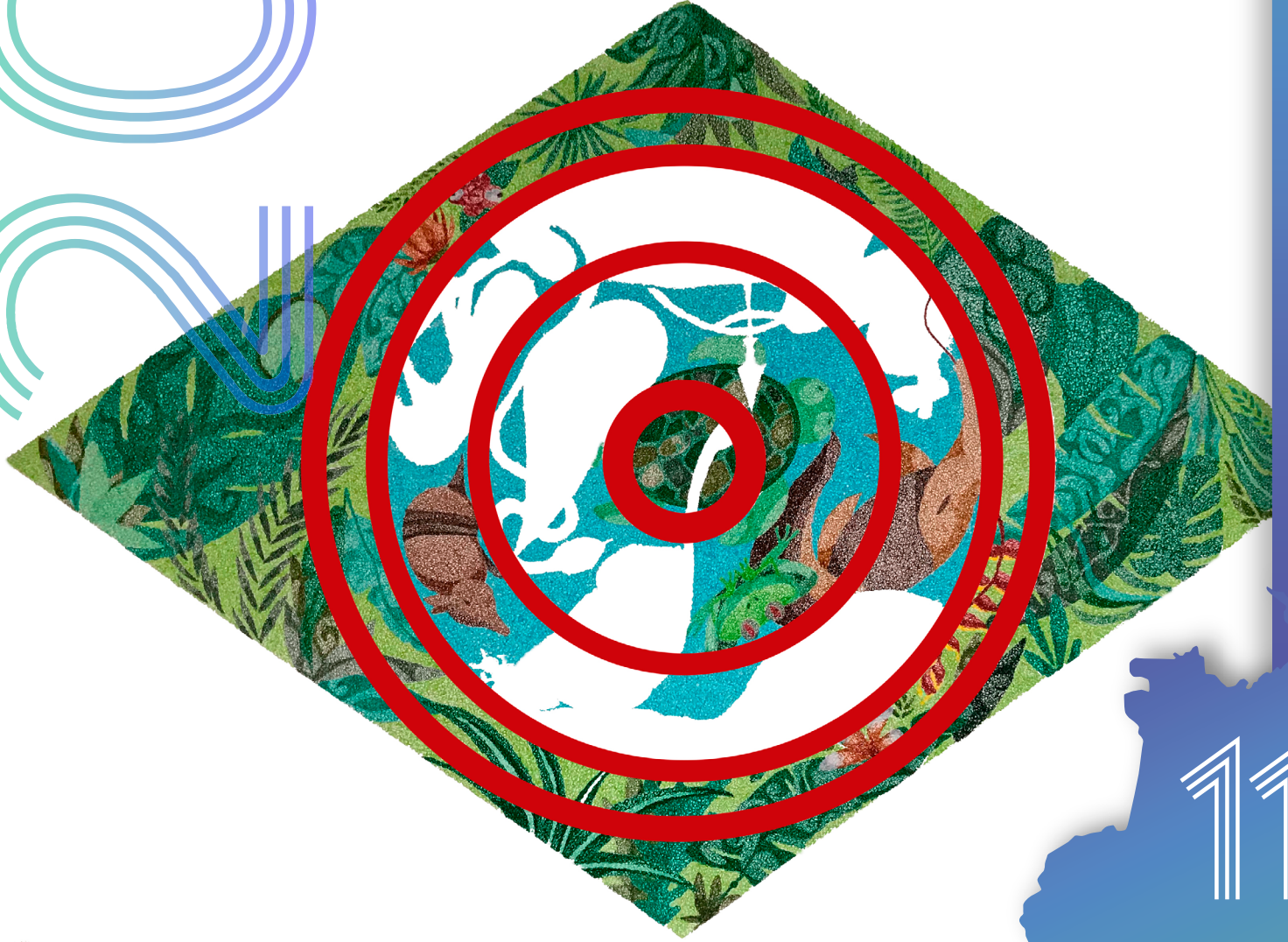
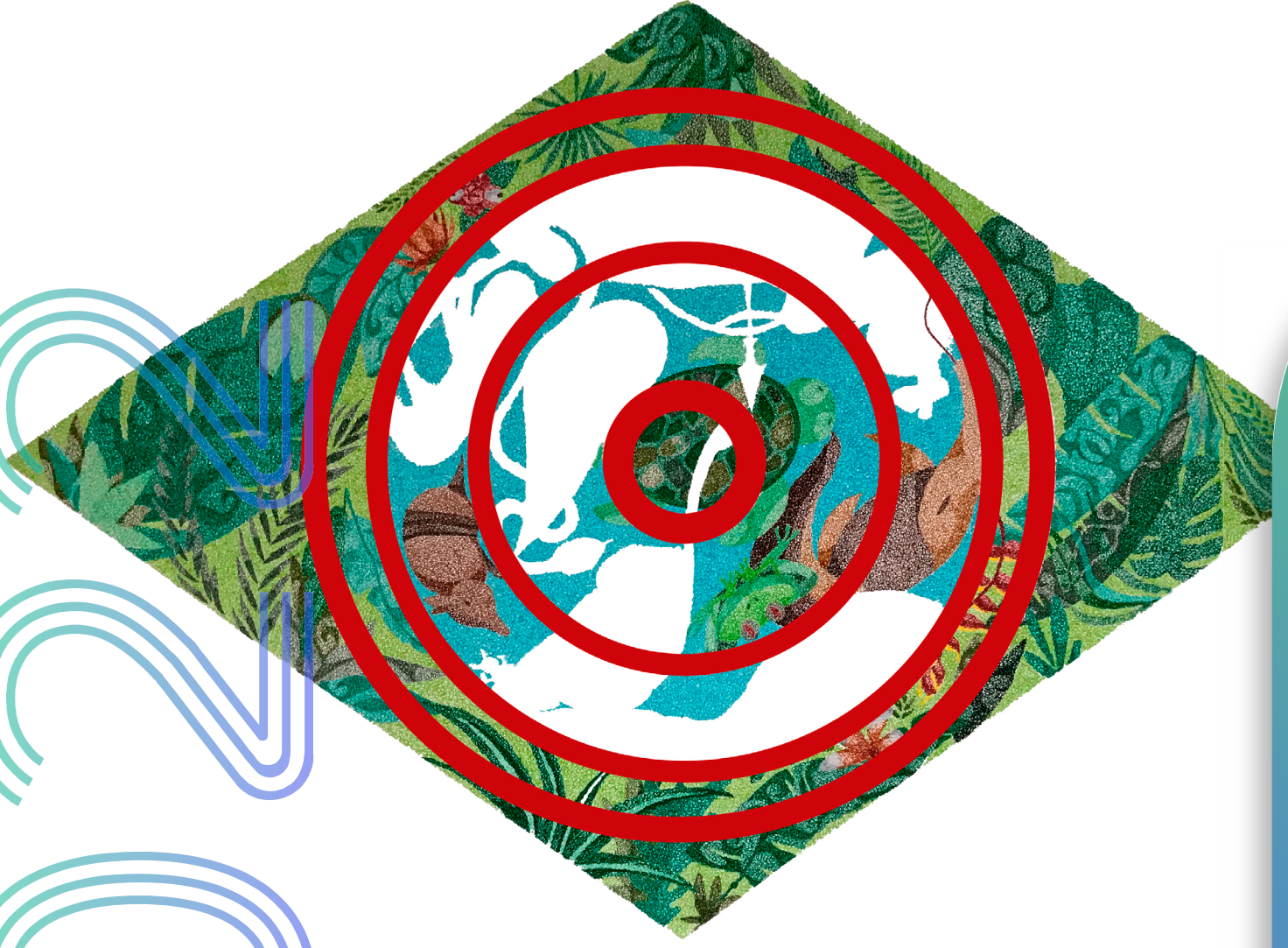
## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).









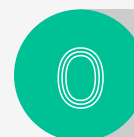
## Business and Human Rights



Art: Amazônia em Foco, Judith Cavalcanti.

Total of  
evaluated  
recommendations

4



Implemented



Partially  
implemented



Not  
implemented















Not implemented  
and in setback





**Recommendations 51, 52, 53 and 54** refer to the **development of a National Action Plan (NAP) on Business and Human Rights** are not being implemented.

RECOMMENDATION (UPR)	NATION	SDG RELATED	ASSESSMENT
<b>51.</b> Develop a National Action Plan on Business and Human Rights to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and to ensure effective reparations with meaningful consultations to affected communities	Netherlands	 	
<b>52.</b> Develop a comprehensive national action plan on business and human rights in accordance with the UN Guiding Principles in this regard	Paraguay	 	
<b>53.</b> Develop an Action Plan on Business and Human Rights	Sierra Leone	 	
<b>54.</b> Continue efforts to punish those responsible for the rupture of the containment barriers in Jacarei and Mariana; and ensure that the victims of this tragedy have their right of access to justice respected and their right to compensation and reparations for the damages caused. We recommend that Brazil should share the experience gained through its constructive and substantive participation in the Intergovernmental Working Group, created by Resolution 26/9 of the Human Rights Council	Ecuador	 	

The elaboration of a NAP finds resistance by segments of the Brazilian civil society, whose analyses point to systemic weaknesses in such documents.





The NAPs have failed to provide clarity to companies about the consequences they may face if they fail to respect human rights, thus contradicting the States' binding duty to provide effective remedies for violations committed by companies, and their obligation to participate in the repair procedures for the damages caused. In assessing 8 (eight) NAPs developed up to the beginning of 2016<sup>1</sup>, the Homa - Center for Human Rights and Business, concluded that the "measures proposed in the totality of the National Plans analyzed are generic, do not provide implementation mechanisms, and do not have a clear methodology for the evaluation and monitoring of civil society".

Another failure observed by a group of human rights entities was the lack of regulatory options and means to overcome the obstacles of access to justice<sup>2</sup>. In addition, they do not address in their contents the potential for effective progress in the development of national norms and public policies for the protection of human rights against violations committed by companies, [without the provision of their accountability](#)<sup>3</sup>.

As a form of dealing with such criticism about the NAPs, since 2018 the Brazilian Government has been engaged in the elaboration of a protocol for implementing recommendations on Business and Human Rights, subsequently renamed as "Response Plan on Business Recommendations and Human Rights", finally publicly released it in the first half of 2019. Civil society organizations have expressed concerns about aspects of the Plan, such as its schedule, consultations with external parties, and 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 Department of Citizenship of the Ministry of Human Rights during the second half of 2018 were highlighted, in order to obtain subsidies for the elaboration of a document with answers to the recommendations on the theme to the Brazilian State. **At the time, it was stressed that, although the spectrum of consulted entities was broad, there was no public consultation to develop the Response Plan, nor were the criteria that led to the selection of those consulted by the Ministry of Human Rights clear.**



<sup>1</sup>Plans analyzed: United Kingdom, Netherlands, Italy, Denmark, Spain, Finland, Lithuania and Sweden

<sup>2</sup>ICAR, ECCJ, and Dejusticia. "Assessments of Existing National Action Plans (NAPs) on Business and Human Rights", August 2017 Update

<sup>3</sup>HOMA. National Action Plans on Business and Human Rights. Available on: <http://homacdhe.com/wp-content/uploads/2016/01/Perspectivas-Gerais-sobre-os-Planos-Nacionais-de-Ac%CC%A7a%CC%83o-sobre-Empresas-e-Direitos-Humanos.pdf>



The lack of clarity about the selection of the organizations consulted and the lack of public consultation to obtain subsidies for the Plan affected the quality of the information that served as the basis for the elaboration of the document, which commits its character as a base assessment for the implementation of recommendations on Business and Human Rights of national and international bodies.

In this regard, the process of drafting the National Guidelines on Business and Human Rights is exemplary. Even if, on assessment, the standard brings promising devices – such as the inclusion of supply chains as possible focus of violations under the responsibility of companies, priority for repairs and indemnities aimed at vulnerable groups, and mention the need to improve mechanisms of transparency and participation –, these end up being overshadowed by the elaboration not so participative of the document and the option of adopting an optional framework when dealing with companies' obligations in the field of human rights. Elements that could be improved if there was a process of public consultation on the theme or even the holding of an open seminar directing the elaboration of these guidelines.

[The note from the Ministry of Women, Family and Human Rights \(MMFDH\) on human rights in business<sup>4</sup>](#), states that the purpose of the consultation "is to collect information about initiatives under the responsibility of companies, and to drive new projects". However, such information is collected by means of a form with 23 questions, 20 of which are restricted to the possibility of evaluation in four categories (excellent, good, satisfactory and bad) of the content contained in the wording. Thus, instead of serving as a means of collecting inputs from initiatives on the business and human rights agenda, the consultation aims to merely validate the information gathered by the government itself (since it is included in the description of the consultation form itself), giving little margin to the actors responding to effectively criticize material aspects of the Response Plan.



<sup>4</sup>MMFDH. Public consultation addresses protection of human rights in companies. Available on: [https://www.gov.br/mdh/pt-br/assuntos/noticias/todas-as-noticias/2019/julho/consulta-publica-aborda-protecao-aos-direitos-humanos-nas-empresas/card\\_consulta\\_publica\\_03.png/view](https://www.gov.br/mdh/pt-br/assuntos/noticias/todas-as-noticias/2019/julho/consulta-publica-aborda-protecao-aos-direitos-humanos-nas-empresas/card_consulta_publica_03.png/view)



Nevertheless, the Preliminary Mid-Term Report presented by the Brazilian State for public consultation, in paragraph 408<sup>5</sup>, highlights as a positive initiative adopted by the Brazilian Government the publication of a Code of Conduct and Respect for Human Rights for Suppliers of Goods and Services of the MMFDH, as approved by MDH Ordinance no. 350, on November 20, 2018. The document would bring elements of what the Ministry considers to be minimal ethical, sustainable and respectful conduct regarding human rights expected of all companies with which it establishes partnerships and contracts, making it compulsory to adopt the principles, guidelines and responsibilities contained in the Code when publishing public notices, and the inclusion of a clause in contracts, agreements, and similar instruments, in order to guide companies and entities supplying the Ministry in meeting the requirements established therein.

On August 19, 2019, a ministerial order of the Ministry of Women, Family and Human Rights (no. 2,070, dated August 16, 2019) repealed Art. 2 of the Ordinance, which had established the Code of Conduct, a device that provided for the mandatory adoption of the principles: "Art. 2 The adoption of the principles, guidelines and responsibilities contained in the Code is mandatory at the time of publication of notices, and the inclusion of clauses in contracts, covenants, and similar instruments, in order to guide companies and entities in the fulfillment of the requirements contained in it". Thus, in practice, the measure announced as positive and an example of good practice was revoked after the publication of the report under consideration, demonstrating counterproductive instability in the public policies of the Brazilian State with regard to the agenda of business and human rights.



<sup>5</sup>Brazil. Preliminary Mid-Term Report





Furthermore, [in March 2021, MMFDH held the 1st Responsabilize-se Forum \(Take Responsibility\): Reflections on the construction of a public policy on human rights and companies](#)<sup>6</sup>. At the opportunity, it included the following representatives in the debate: Ministry of Finance, United Nations (UN), Fundação Getulio Vargas (FGV - Foundation) and the National Human Rights Council (CNDH). It should be noted that such spaces, even in the face of such relevance, continue without considering the participation of the other entities of civil society, social movements, human rights organizations and the populations most affected by this debate. There cannot be the development of a true and effective national plan on human rights without the participation of the most interested subjects and who face in their daily lives its violations and absence of norms.

In February 25, 2022, the MMFDH [published a notice to select entities that will support the elaboration of the National Action Plan on Business and Human Rights - NAP Brazil](#)<sup>7</sup>. Attention is drawn to the fact that in order to access the aforementioned notice, it is necessary to register on a specific site, and only after the registration access is given to the documents, and public access

to the terms and conditions of the notice is not possible. For this reason, it was not possible to analyze the document, which is a partnership between the ministry and the United Nations Development Program.

In this sense, recommendations 51, 52 and 53 are being developed in an insufficient and non-compliant manner, without the participation of civil society and the lack of application of mechanisms to companies capable of curbing new violations of human rights in indigenous, traditional, Quilombola, and riverside communities, among others. Nor do they contribute to full access to justice and fair redress for the victims of such violations committed by large companies. Another point is the logic of guiding principles that is not binding on companies.

With regard to recommendation 51 which verses on the development of a National Action Plan on Business and Human Rights to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and to ensure effective reparations with meaningful consultations to affected communities, was not implemented.



<sup>6</sup>Available on: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/marco/forum-responsabilize-se-debate-construcao-do-plano-nacional-de-acao-de-empresas-e-direitos-humanos-no-brasil>

<sup>7</sup>Available on: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/fevereiro/consultoria-ira-contribuir-para-a-elaboracao-do-plano-nacional-de-aco-esobre-empresas-e-direitos-humanos>



The process of discussion for the elaboration of a public human rights policy in the Country should consider the broad participation of civil society and the most affected populations, which has not occurred in the current Brazilian government. These populations referred to in the recommendation have been the recurrent victims of this ongoing development model, which puts profit above lives and the environment. Similarly, there is no discussion on full access to justice and redress for violations committed by large companies.

Another serious problem is the constant violation of the standards of ILO Convention 169, on the right to prior, free and informed consultation whenever legislative or administrative measures likely to affect indigenous peoples and tribal communities are discussed. This is a constant practice in the Bolsonaro government: the disregard and denial of such rights. Currently, draft laws are being discussed at the National Congress, which will directly affect the rights of indigenous peoples, such as draft bills 490/2007 and 191/2020, which aim to advance large companies on indigenous territories and modify the demarcation of land in Brazil, and it has been highlighted as priority topics on the agenda of the Government with great pressure for approval.

In the meantime, we reaffirm that the National Action Plan for Business and Human Rights should disregard these points and reinforce the fight against ongoing violations, with specific, efficient mechanisms that guarantee effective social participation.

[The report of the Observatory of the Commission on Human Rights and Minorities of the Chamber of Deputies<sup>8</sup>](#), held in partnership with the UN High Commissioner in 2021, points out that Decree no. 9.571/2018, which establishes National Guidelines on Business and Human Rights, it does not yet have a clear process that defines the role of affected communities and civil society in the elaboration of the National Action Plan on Business and Human Rights, emphasizing that civil society organizations also have reservations about weaknesses in the elaboration of the plan based on analyses of countries that have not consistently followed the Guiding Principles on Business and Human Rights. 

<sup>8</sup>Parliamentary Observatory of the Universal Periodic Review. Available on: <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cdhm/observatorio-parlamentar-da-revisao-periodica-universal-da-onu/avaliacao-por-temas>



[Along the same line, Oxfam Brasil, in examining the decree<sup>9</sup>](#) pointed out that since 2011, the government had announced that it would draw up a NAP as envisaged by the United Nations Working Group on Business and Human Rights. However, it considers that the text, apart from not respecting the dialog with society, did not consider debates that took place in civil society during that period. As a result, it has several problems, ignoring key themes such as the concept of complicity and due diligence presented in the UN Principles, such as extraterritoriality; free, prior and informed consent; and laws of productive chains. For these reasons, it points to the need for the review of the decree and the construction of a public policy on the subject in open dialog with society.

In this way, although there are ongoing discussions on the drawing up of an action plan on business and human rights, although relevant, they lack essential points. Without that, this process is in serious danger of resulting in an inefficient document unable to contain the actions of companies violating human rights, further reinforcing this practice within a government contrary to human rights, which has already manifested this at various times.

Concerning recommendations 52 and 53 the problem involves the discussion about the elaboration of a national plan: the absence of the participation of the most affected, as well as the non-inclusion in the debate of efficient mechanisms to curb further violations and corporate accountability. Nor does it seem to be attentive to the experiences undergone by Brazil. This regards violations already committed, seeking to learn from such cases and to advance in the protection, repair and accountability of those involved.

In view of the historical violations in the context of business activities and the neglect of the Brazilian State, the country has been constantly denounced in the international system of human rights protection and focus of recommendations in the context of the Universal Periodic Review, demonstrating the distance from the fulfillment of these obligations and rights. In 2019, civil society entities presented a report to the Inter-American Commission on Human Rights (IACHR) against the multinational mining company Vale S/A due to the lack of effective responses [to the crimes committed with the rupture of the Fundão dams, in Mariana \(MG\) in 2015 and of the Córrego do Feijão, in Brumadinho \(MG\), in 2019<sup>10</sup>](#).



<sup>9</sup><https://www.oxfam.org.br/justica-rural-e-desenvolvimento/direitos-humanos-e-empresas/um-pna-disfarcado/>

<sup>10</sup>Available on: <https://www.brasildefato.com.br/2019/05/10/sociedade-civil-denuncia-vale-na-comissao-interamericana-de-direitos-humanos>



At that time, they also denounced the negligence of the Brazilian State, the lack of effective redressing measures, the lack of accountability, as well as the connivance of the State with the crimes. Were presented 13 measures to be implemented by Brazil against the company's posture, among them: that the Brazilian State should report the number of unstable dams and the estimated damage if there is a rupture; reversal of the tendency to weaken the labor and environmental legislation; imposition of limits on mining activity to ensure the preservation of the environment, the diversity of fauna and flora, conservation of the terrain and natural landscape; repeal of procedural legislation on the suspension of safety, because it is authoritarian and contrary to the principle of fair trial; establishment in law of the duty of the mining company to preserve the subsistence worthy of those affected, forcing the company to make a fair and regular payment until the end of the redress process; law-setting of a mechanism capable of reducing material inequality between the mining company and those affected in the course of calcula-

ting the damage, forcing the company to bear the costs of technical advice freely chosen by the victims so that the redress process can be considered fair; to recognize as void the transfer of responsibility for repairing the foundation that exempts the company causing the damage from the duty to indemnify; promotion of the rapid civil and criminal administrative accountability of the directors of the companies.

Furthermore, in this brief analysis, it is still necessary to point out that in 2021, Minister Damares Alves, of the Ministry of Women, Family and Human Rights, published Administrative Rule no. 457, of February 10, 2021, which may propose changes to the National Human Rights Policy (PNDH-3). In March of the same year, 579 civil society organizations and popular movements presented a note contrary to the review and demanded the revocation of the said administrative rule. The organizations affirm that the act creates a working group restricted to 14 (fourteen) members of the Ministry, making it impossible for civil society to participate.







Thus, the whole PNDH, discussed by civil society since 1996, will be modified in a secretive manner by members of the current Government. So much so that the administrative rule goes against the collective nature of the PNDH, which, despite being the fruit of a presidential decree in 2009, was developed through local, regional and national conferences involving more than 14,000 people. It is worth remembering that PNDH-3, which was broadly developed, established a series of responsibilities to State Bodies to guarantee human rights in projects and enterprises with great socio-environmental impacts, ensuring the right to participation and the construction of mitigating and compensatory measures. Thus, the National Human Rights Policy is in serious risk of a setback, even in view of its great relevance to the theme and in corporate responsibility.

On March 14 this year, on the other hand, an important initiative was filed in the Chamber of Deputies, with the emphasis on this report, draft bill no. 572/2022<sup>11</sup>, which is the result of the construction of civil society organizations, social movements and parliamentarians, anticipating the “creation of a national framework law on Human Rights and Business and establishing guidelines for the promotion of public policies on the theme”. They point out in their justification that “in terms of regulatory framework, even though Brazil has sparse legislation on environmental protection, labor, and other fundamental rights, there are significant gaps in the regulation of corporate performance in the Brazilian territory and in the redress of victims. Much of the lack of accountability is due to the lack of a unified legal diploma, which can fill some of these gaps and facilitate the application of the law by the Judiciary”.

The said draft bill seeks to advance in a national legislation that in fact manages to reach the companies, allocating the norm to the agents and institutions of the State, including the justice system, as well as the companies and financial institutions operating in the national territory and/or with transnational activity. They also include among the recipients, its subsidiaries, branches, subcontractors, suppliers and all other entities in their global value chains, seeking to reach the entire production chain. This is an unprecedented initiative and may become an international reference on the theme.



<sup>11</sup>Available on: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2317904>



The project also foresees that companies should undertake due diligence to identify, prevent, monitor and repair human rights violations, including social, labor and environmental rights. It also establishes that the Federal Government, the States, the Federal District and Municipalities are obliged to implement measures of prevention, protection, monitoring and redress that prevent violations of human rights in the exercise of the business activity, demanding that companies respect them and that participatory mechanisms for integral reparation be implemented to the people affected when they are violated.

Finally, it guarantees the rights of the people, groups and communities affected: recognition of the disadvantaged position of those affected by companies, by reversing the burden of proof where the impossibility of its production could hinder access to justice; the application of the constitutional and conventional principle of a reasonable duration to collective and individual judicial or extrajudicial proceedings, which shall be based on the reparation of Human Rights violations by companies, guaranteeing them the appropriate priority; the guarantee of external control of the business activity through the supervision of trade unions and other class entities, Department of Public Prosecution and Public Defender's Office; the prior, free, and informed consultation and in good faith of indigenous people, Quilombola communities and traditional peoples and communities affected by the business activity, guaranteeing the right of veto to enterprises in their territories, the right to consent, as well as the respect and promotion of consultation protocols elaborated by the communities, among others.

Therefore, it is possible to observe that the above-mentioned bill points to important guidelines for the application of national and international norms for the protection of human rights and the promotion of public policies, which are still absent from the focus of the debate on the subject by the Brazilian Government, and its discussion and approval are essential.

In view of all of the above, although there are discussions by the State about the construction of an Action Plan on Business and Human Rights, we assessed that the discussions are insufficient and do not involve the civil society. Furthermore, since the beginning of the Bolsonaro Government, its actions have been in the opposite direction to those covered by the recommendations of the 3rd Cycle of the Universal Periodic Review (2017), the dismantling of social and environmental policies, of human rights, the reduction of advice and participatory spaces, attacks on the rights of indigenous peoples, traditional communities and Quilombolas, on labor rights, on social security rights, among other issues, thus distancing themselves from the implementation of these recommendations.



## **11** *Business and Human Rights* **Recommendations**

- 1** Promote the participation of civil society, social movements, affected populations, indigenous peoples, Quilombolas and traditional communities and human rights organizations in the construction, implementation and monitoring of the Action Plan on Business and Human Rights;
- 2** Debate and approve a framework law on Human Rights and Business, establishing guidelines for the promotion of public policies on the theme that involve the participation of society and affected populations;
- 3** Move forward in discussing and implementing actions to prevent further human rights violations from happening, as well as moving forward in the accountability of companies that violate human rights, while ensuring full access to justice and the fair redress of victims of violations committed by large companies;
- 4** Promote independent technical advice to accompany the redress in a fair and unbiased manner to those affected, with respect to the damage matrix elaborated as a redress parameter, and contribute to the repair of post-disaster damages, for example, floods aggravated by the lack of river silting and analyses of heavy metals present in the water.



# About the art

**Art:** Amazônia em Foco

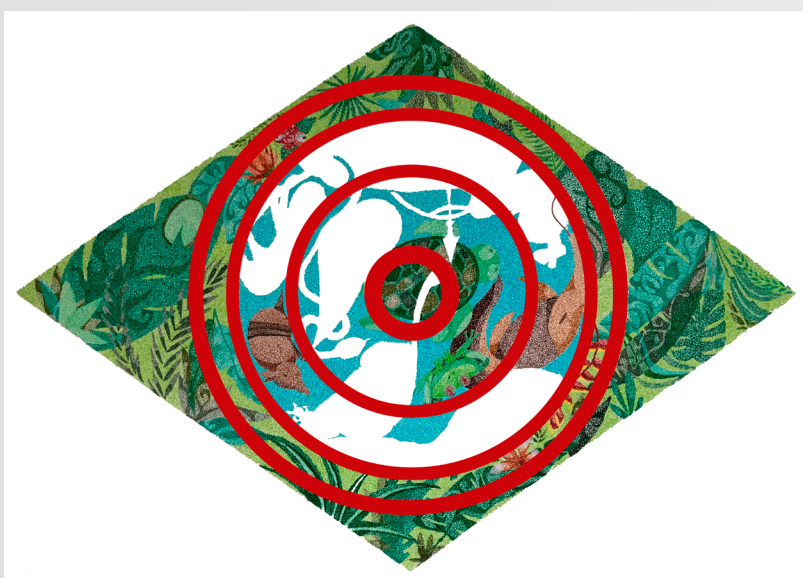
**Artist:** Judith Cavalcanti

**Techniques:** Illustration (in rubric). 2019. Acrylic on paper. 70x100 cm (original)

**About the art:** This art is a denunciation of the Amazon's destruction (and of all the natural diversity beyond it). The focus should be on learning to have a peaceful and solidary coexistence with the environment and not to use practices of extermination of life on our planet

**History with art:** Feminist and Human Rights activist. Four years ago I found art as a form of expression, since then I live in constant research to professionalize my techniques and artistic languages

**Learn more:** [www.judithcavalcanti.com](http://www.judithcavalcanti.com)



## Olhares do Brasil (Brazilian sights)

Promoted by the Instituto de Desenvolvimento e Direitos Humanos (IDDH), the first edition of the call for proposals "Olhares do Brasil" selected 10 artworks by Brazilian artists to illustrate the covers of reports on human rights in the country, which will be presented at a session of the UN Human Rights Council in 2022.

See more about the artworks and the call for proposals Olhares do Brasil [here](#).







Access RPU platform [here](#)