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Human Rights Council

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Interactive Dialogue with the Special Rapporteur on Torture

On behalf of the Brazilian Government, I consider the opportunity to be present in this dialogue, a great exercise in democracy.

Initially it is essential to highlight that Brazil does not condone torture. However, its perpetration is still part of the Brazilian reality. It is important to point out that torture is a result of a historical process of violence, starting with the decimation of indigenous peoples and the exploitation of slave labor, and reaching its peak during the civil-military dictatorships in the twentieth century with the institutionalization of torture.

We will not obviously change an at least 500 year-old culture of violence from one moment to another. But I am convinced that we have recently begun to transform this culture of discrimination and violence into a culture of rights.

We have advanced with the prohibition of torture in the Constitution and its criminalization in 1997. We have advanced a lot with the creation of the National Truth Commission. Recommendations such as the repeal of the Amnesty Law and the prosecution of torturers point the way towards breaking the cycle of impunity and violence in the country.

The accurate diagnoses of situations we wish to transform also contributes to this process of change. That is why the work of international organizations is critical to any State that seeks progress in ensuring rights and promoting citizenship.

Joint actions between international organizations and states with clear objectives can only result in the advancement of policies and in the improvement of people's lives. In particular that of men and women of african descent, of youngsters from the outskirts of the city, and of women, who account for a significant share of the most vulnerable population in the country.

I therefore refer directly to the work contained in Mr. Juan Mendez's Report.

According to its findings, there are several fields in which we still need to progress: ending impunity of torture, reversing mass incarceration and promoting restorative justice, changing the drug policy towards a more humane approach, respecting the

dignity of persons deprived of their liberty, abolishing the usage of the legal concept "resistance followed by death", fighting with determination against institutionalized racism, and so on. The Special Rapporteur's statements are fundamental to strengthen ongoing measures and to guide new actions.

In this sense, I highlight several examples of actions that signal the effort and a will towards change on the part of the government in order to prevent and fight torture. Among these actions, I would like to mention the establishment of the National System for Prevention and Fight Against Torture and the creation of a National Mechanism for Fighting Torture, in line with OPCAT. I also note the creation of the National Committee to Prevent and Fight Torture, which operates in dialogue with other 17 state-level committees.

More recently, the National Council of Justice, chaired by Justice Ricardo Lewandowski, launched the project "Custody Hearings throughout the Country", which provides for the review of arrests in flagrante delicto in 24 hours through hearing by a judge. In one year, courts in Brazil held approximately 52,000 custody hearings, which reversed the arrest order of about 25,000 people. A second step within this project, in which the Human Rights Secretariat participates as a partner, is the regulation of these hearings and training of judicial officials.

Furthermore, it is important to mention examples of damage control public policies to drug users at the local level, such as the "Braços Abertos" ("Open Arms") Programme, within which I was one of its coordinators as Human Rights Secretary of the city of Sao Paulo. This Programme will be replicated countrywide, with the help of the Federal Government. We are enhancing and rebuilding the basis of the National Socio-Educational Measures System. In addition, we are also working in the regulation of access to basic documentation for people deprived of their liberty. In a moment in which the humanitarian and migration crisis reaches its apex, we have a public policy for welcoming migrants and refugees that is a global model.

In conclusion, I would like to mention an important element in the process of breaking the cycle of violence in our Country: human rights education. Measures related to human rights education have the potential to create a culture focused in peace, breaking patterns of discrimination, such as gender based, which was brought to light by the feminist movement, and should be highlighted today, March 8th. Therefore, it is in light of the contents of the report that we should step up initiatives in favor of human rights education, ending once and for all, the perpetuation of violence in Brazil.

Thank you.