



General Assembly

Distr.
LIMITED

A/HRC/WG.6/1/BRA/2
[date]

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
First session
Geneva, 7-18 April 2008

ADVANCE UNEDITED VERSION
25 February 2008

COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF
RESOLUTION 5/1 OF THE HUMAN RIGHTS COUNCIL

Brazil

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions of the Office of the High Commissioner for Human Rights (OHCHR). It follows the structure of the general guidelines adopted by the Human Rights Council. Information included therein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being of four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless outdated. Since this report only compiles official United Nations documents, lack of information or focus on specific issues may be due to non ratification of a treaty, and / or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/Reservations</i>	<i>Recognition of specific competences of Treaty bodies</i>
ICERD ²	27/03/1968	No	Individual complaints (art.14): Yes
ICESCR ³	24/01/1992	No	-
ICCPR ⁴	24/01/1992	No	Inter-state complaints (art.41): No
CEDAW ⁵	01/02/1984	Yes (art. 29 para. 1)	-
OP-CEDAW ⁶	28/06/2002	No	Inquiry procedure (art. 8 and 9): Yes
CAT ⁷	28/09/1989	No	Inter-state complaints (art. 21): No Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP CAT ⁸	12/01/2007	No	-
CRC ⁹	24/09/1990	No	-
CRC OP-AC ¹⁰	27/01/2004	Yes (art. 3 para. 2)	-
CRC OP-SC ¹¹	27/01/2004	No	-
<i>Core treaties to which Brazil is not a party: ICCPR OP 1¹², ICCPR OP 2¹³, ICRMW¹⁴, CED¹⁵ (signature only, 2007) CPD¹⁶ (signature only, 2007), CPD OP¹⁷ (signature only, 2007).</i>			
<i>Other main relevant international instruments</i>		<i>Ratification, accession or succession</i>	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol ¹⁸		Yes	
Refugees and Stateless Persons ¹⁹		Yes	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Geneva Conventions and their Protocols ²⁰		Yes, except Protocol III	
ILO Treaties: ILO Fundamental conventions: ILO C.87, 98, 29, 105, 100, 111, 138, and 182 ²¹		Yes except Nos. 87, 98, 29, 105	
UNESCO Convention against Discrimination in Education		No	

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged the State to consider ratifying the ICRMW.²² In its Voluntary Pledges to the HRC²³, Brazil committed to consider adhering to the ICCPR OP1 and OP2.

B. Constitutional and legislative framework

2. The Committee on Economic, Social and Cultural Rights (CESCR) noted with appreciation that the Constitution incorporates a wide range of human rights, including, a number of the economic, social and cultural rights enshrined in the ICESCR, as also noted by UNESCO.²⁴ The Special Rapporteur on the sale of children, child prostitution and child pornography²⁵ noted that the Constitution gives absolute priority to children's rights.²⁶ The Committee on Rights of the Child (CRC) welcomed the fact that the Constitution also criminalizes acts of racism.²⁷ UNHCR noted positively the adoption of Constitutional Amendment n. 54 of 20 September 2007, which grants Brazilian nationality to children born to a Brazilian parent living abroad once they are registered with a Brazilian consulate.²⁸ In

2005, the Human Rights Committee (HR Committee) was concerned about the ineffectiveness of a new mechanism in the Constitution allowing the Prosecutor-General of the Republic to seek transfer of certain human rights violations from state to federal jurisdiction. Brazil should ensure that the constitutional safeguard of federalization of human rights crimes becomes an efficient and practical mechanism.²⁹

3. Two treaty bodies welcomed the adoption of laws by Brazil in favour of the principle of equality between men and women, such as the new civil code³⁰ and Law 11340 of 2006 on Domestic and Family Violence against Women.³¹ It was also noted in a United Nations Development Fund for Women (UNIFEM) document that the latter law resulted from an extensive process of consultation.³² The Committee on the Elimination of Racial Discrimination (CERD) noted that Law No. 7716 of 1989 was amended to expand its scope to acts arising not only from discrimination based on race or colour, but also on ethnicity, religion or nationality.³³ The Committee against Torture (CAT) noted with satisfaction the 1997 Torture Act criminalising torture.³⁴

C. Institutional and human rights structure

4. Five Committees welcomed the establishment of bodies intended to enhance respect for human rights³⁵, such as the National Human Rights Secretariat.³⁶ However the HR Committee regretted in 2005 the proposed significant reduction in the budget of this Secretariat. It recommended that the State strengthen the Secretariat and provide it with adequate resources.³⁷ The HR Committee and CAT welcomed institutional measures to protect human rights in Brazil.³⁸ CERD and the HR Committee noted the establishment of specialized institutions to combat racial discrimination³⁹ and slave labour.⁴⁰ CRC and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance⁴¹ recommended establishing an independent and effective mechanism in accordance with the Paris Principles.⁴²

D. Policy measures

5. The Special Representative of the Secretary General (SRSG) on the situation of human rights defenders appreciated the initiatives that the Government has taken to give prominence to the promotion and protection of human rights.⁴³ Five treaty bodies welcomed policies and programmes in Brazil in critical areas of women's lives⁴⁴, in the fields of combating discrimination⁴⁵ and child labour.⁴⁶ CRC encouraged the State to ensure that the National Plan of Action for 2004-2007 covers all areas of the rights of the child.⁴⁷ CEDAW recommended the State to fully implement its National Policy for Fighting Trafficking in Persons and complete, without delay, the elaboration of the national plan on trafficking in persons, which should include a gender, race and age dimension.⁴⁸ While noting the adoption of various programmes and plans to promote human rights, the HR Committee regretted the general absence of specific data to permit evaluation of their practical enjoyment.⁴⁹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with Treaty bodies

<i>Treaty Body</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	March 2004		18 th to 20 th periodic reports due in 2008
CESCR	2001	May 2003		2 nd periodic report received in 2007
HR Committee	2004	November 2005	Overdue since 2006	3 rd periodic report due in 2009
CEDAW	2006	July 2007		7 th periodic report due in 2009
CAT	2000	May 2001		2 nd , 3 rd , 4 th , 5 th periodic reports overdue since 1994, 1998, 2002 and 2006
CRC	2003	October 2004		2 nd , 3 rd and 4 th periodic reports due in 2007
CRC-OP-AC			-	Initial report overdue since 2006
CRC-OP-SC			-	Initial report overdue since 2006

6. In 2008, CAT made public the documents related to the procedure engaged with Brazil under Article 20 of the Convention. Brazil fully cooperated with the Committee during the visit that took place in July 2005. It replied to the Committee in 2006 and updated it on steps undertaken to implement the recommendations of the Committee.⁵⁰ In 2006 and 2007, CERD sent letters to Brazil in relation to the situation of indigenous peoples in the Indigenous Land of Raposa Serra do Sol of the State of Roraima.⁵¹ In its letter dated 24 August 2007, CERD thanked the State for its responses but remained extremely preoccupied by the issue. It requested Brazil to provide information on recommendations made in this respect, no later than 30 November 2007, in order to decide further on any action to be taken under its early warning and urgent action procedure.⁵²

2. Cooperation with Special procedures

<i>Standing invitation</i>	Yes
<i>Latest visits and mission reports</i>	Special Rapporteur on the adverse effects of toxic and dangerous products and human rights (20 to 28 June 1998) ⁵³ ; Special Rapporteur on the question of torture (20 August to 12 September 2000) ⁵⁴ ; Special Rapporteur on the Right to food (1 to 18 March 2002) ⁵⁵ - Report E/CN.4/2003/54/Add.1; Special Rapporteur on the sale of children (2003) ⁵⁶ ; Special Rapporteur on extrajudicial, summary or arbitrary executions (16 August to 8 October 2003) ⁵⁷ ; Special Rapporteur on adequate housing (30 May to 13 June 2004) ⁵⁸ ; Special Rapporteur on independence of judges and lawyers (13 to 22 October 2004) ⁵⁹ ; Special Rapporteur on racism (13 to 20 October 2005). ⁶⁰ ; SRSR on human rights defenders (5 to 12 December 2005). ⁶¹
<i>Follow-up to visits</i>	The Special Rapporteur on adequate housing was invited by the Brazilian officials for a follow up mission during the interactive dialogue of the fifth session of the Human Rights Council. ⁶² Special Rapporteur on extrajudicial, summary or arbitrary executions (4 to 14 November 2007). ⁶³

<i>Facilitation/Cooperation during missions</i>	<p>The Special Rapporteur on the sale of children thanked the Government of Brazil for the commendable support provided in the organization of his visit.⁶⁴</p> <p>The Special Rapporteur on adequate housing was impressed by the dedication, preparedness and mobilization demonstrated by the authorities during his mission.⁶⁵</p> <p>The Special Rapporteur on independence of judges and lawyers thanked the Brazilian authorities for their cooperation and, particularly, for the assistance provided by the Special Secretariat for Human Rights during his official visit.⁶⁶</p> <p>The Special Rapporteur on racism carried out his visit in very good conditions, thanks to the cooperation and excellent logistics support of the Brazilian authorities.⁶⁷</p> <p>In 2003, the Special Rapporteur on extrajudicial executions thanked the Government of Brazil for its unprecedented cooperation. She noted with appreciation that the President of Brazil took a personal interest in her mission and met with her at the end of her visit. However she deeply deplored the killing of two witnesses she interviewed during her visit. She expressed serious concerns over what could be considered as acts of reprisals.⁶⁸ In 2007, during a follow up visit, the Special Rapporteur stated that the Brazilian Government's invitation for him to visit reflects a clear commitment to transparency and to living up to its human rights obligations.⁶⁹</p>
<i>Responses to letters of allegations and urgent appeals</i>	<p>In 2004, 2005, 2006 and 2007 respectively, Special Procedures sent 16, 21, 12 and 1 communications (letter of allegations and urgent appeals). A total of 69 individuals were covered by these communications, including 17 women. In 2004 and 2005, Brazil responded to two letters each year, in 2006 to 3 letters and in 2007 it responded to the only letter sent. Brazil replied to 12.5 per cent of the communications sent in 2004, 9.5 per cent in 2005, 25 per cent in 2006 and 100 per cent in 2007.</p>
<i>Responses to questionnaires on thematic issues⁷⁰</i>	<p>Out of 12 questionnaires sent by Special Procedures mandate holders since 01.01.2004⁷¹, the Government of Brazil responded to 3⁷².</p>

3. Cooperation with the Office of the High Commissioner for Human Rights

7. In December 2007, the High Commissioner for Human Rights undertook an official visit to the country.⁷³ Brazil has been financially contributing to the three humanitarian trust funds⁷⁴ and to the OHCHR. In July 2006, Brazil hosted the Regional Conference of the Americas on the progress and challenges of the Durban Declaration and Programme of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Brazil also presented its candidature to host the 2008 preparatory regional conference for the 2009 Durban Review Conference.⁷⁵

B. Implementation of international human rights obligations

1. Equality and non discrimination

8. CESCR was concerned about widespread discrimination against women.⁷⁶ CEDAW expressed concern about the persistent gap between the *de jure* and *de facto* equality between women and men⁷⁷; and about the fragile capacity of the gender equality mechanisms in some states in terms of coordination and monitoring.⁷⁸ Recommendations included: strengthening those mechanisms⁷⁹; ensuring full implementation of laws, plans and policies and providing regular, effective monitoring and impact assessment.⁸⁰ CESCR also requested that relevant policies are adopted on the basis of equal pay for work of equal value and that the wage gap between men and women be reduced.⁸¹

9. Discrimination faced by some ethnic groups raised concerns for CESCR in 2003, and CERD and CRC in 2004. The latter was concerned by some cultural and social practices and by the persistence of unequal social development in regions, specifically in the North and Northeast regions.⁸² CESCR expressed concerns about the widespread and deeply rooted discrimination against Afro-Brazilians, indigenous peoples and minorities.⁸³ CRC urged

Brazil to ensure the implementation of existing laws and policies guaranteeing the principle of non-discrimination, and to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.⁸⁴ Recommendations included: providing statistical information on racist crimes⁸⁵; taking urgent measures to ensure equal opportunity for Afro-Brazilians, indigenous peoples and minority groups, such as Gypsies and the Quilombo communities, especially in the fields of employment, health and education.⁸⁶

2. Right to life, liberty and security of the person

10. In 2007, the Special Rapporteur on extrajudicial, summary or arbitrary executions⁸⁷ noted that homicide was the leading cause of death for persons aged 15 to 44, with 45,000 to 50,000 homicides committed every year. Victims were overwhelmingly young, male, black, and poor. Main problems included high rates of impunity, violent killings by individuals, lethal confrontation between drug traffickers and other gangs, killings by vigilante groups, death squads, extermination groups, and militias, killings in prison, killings of police and by the police.⁸⁸ The Special Rapporteur stressed the distinction between extra judicial executions by on-duty and off duty police.⁸⁹ The HR Committee was concerned about the widespread use of excessive force by law enforcement officials.⁹⁰ It also expressed concern about widespread reports of threats against and murders of rural leaders, human rights defenders, witnesses, police ombudsmen and judges⁹¹ as well as about the extrajudicial execution of suspects.⁹² Furthermore, CRC remained extremely concerned at the number of children murdered.⁹³ The SRSG on the situation of human rights defenders was perturbed by the numerous accounts of assassinations, attempts on their lives and threats.⁹⁴ Recommendations included implementing witness protection programmes.⁹⁵ The Special Rapporteur on extrajudicial executions highlighted that the police forces require genuine external and internal oversight as the police ombudsmen lack true independence in many states.⁹⁶

11. While noting in 2004 that the 1997 Law on Torture, the Penal Code and the Statute of the Child and Adolescent strongly prohibit torture and ill-treatment, CRC expressed deep concern regarding the gap between the law and its implementation, as a significant number of cases of torture, inhuman and degrading treatment have been reported over the last years, including by the Special Rapporteur on the question of torture.⁹⁷ In 2005, CAT stated that tens of thousands of persons were still held in *delegacias* (police stations) and elsewhere in the penitentiary system where torture and similar ill-treatment continued to be “meted out on a widespread and systematic basis” according to the Special Rapporteur on the question of torture in 2001.⁹⁸ The HR Committee was concerned about the use of torture to extract confessions from suspects and the ill-treatment of detainees in police custody.⁹⁹ CAT also stated in 2005 that judges do not apply the law on the crime of torture and prefer to classify cases as bodily harm or abuse of authority.¹⁰⁰ CAT recommended that the law on torture is interpreted in conformity with article 1 of the CAT Convention¹⁰¹ and that complaints alleging torture by public officials should be promptly, fully and impartially investigated and offenders prosecuted.¹⁰²

12. While commending Brazil for the enactment of legislation against domestic violence, CEDAW was concerned in 2007 that violence against women and girls was widespread and under-reported.¹⁰³ The HR Committee, in 2005, expressed concern about the lack of information on the incidence of domestic violence.¹⁰⁴

13. In 2004, CRC expressed its concern that corporal punishment was widely practised and that no explicit legislation existed to prohibit it. It recommended that the State prohibit corporal punishment in the family, school and penal institutions, and that it undertake

campaigns that educate parents on alternative forms of discipline.¹⁰⁵ CRC was also deeply concerned at the high number of children victims of violence, abuse and neglect, including sexual abuse, in schools and other institutions, public places and in the family. Recommendations included establishing effective child-sensitive procedures and preventive mechanisms to receive, monitor and investigate complaints in addition to existing procedures.¹⁰⁶ According to the Special Rapporteur on the sale of children, strategies should be envisaged to focus more on the areas of the National plan to fight sexual violence against children and adolescents where there has been less achievement, namely prevention, defense and accountability, and child participation.¹⁰⁷

14. The situation of street children and the absence of information and measures needed to remedy their plight raised concerns of the HR Committee.¹⁰⁸ In 2004, CRC expressed grave concern at the significant number of street children and their vulnerability to extrajudicial killings, various forms of violence, including torture, sexual abuse and exploitation; at the lack of a systematic and comprehensive strategy to address the situation and protect these children; and at the very poor registration of missing children by the police.¹⁰⁹

15. The Special Rapporteur on extrajudicial executions noted in 2007 that the occupancy rate in prisons was often three or more times as many prisoners as the facility was designed to hold.¹¹⁰ The Special Rapporteur on torture stressed on several occasions that the appalling overcrowding in some detention facilities and prisons needs to be brought to an immediate end.¹¹¹ CAT found in 2005, endemic overcrowding, filthy conditions of confinement, extreme heat, light deprivation and permanent lock-ups (factors with severe health consequences for inmates), along with pervasive violence.¹¹² The HR Committee was also concerned about inhuman conditions of detention in jails.¹¹³ Further, CRC expressed concern about the large number of persons below the age of 18 who are in detention, and at the very poor conditions of detention. CRC was also concerned at the numerous reports of ill-treatment of young inmates, the very limited possibilities for the rehabilitation and reintegration into society of juveniles following judicial proceedings; and the sporadic training of judges, prosecutors and prison staff in children's rights.¹¹⁴ In 2007, the High Commissioner for Human Rights noted that the widespread use of pre-trial detention called for special attention.¹¹⁵ CAT expressed concern about the long periods of pre-trial detention and delays in judicial procedure.¹¹⁶ CAT in 2001 and the HR Committee in 2005 recommended Brazil to take urgent measures *inter alia* to improve conditions of detention.¹¹⁷ CAT also recommended establishing a systematic and independent system to monitor the treatment in practice of persons arrested, detained or imprisoned¹¹⁸, including in places of detention of juveniles according to the Special Rapporteur on the question of torture.¹¹⁹

16. The HR Committee and CESCR were concerned about trafficking in women and children for the purpose of sexual exploitation.¹²⁰ CRC was also deeply concerned by the wide occurrence of sexual exploitation and related issues.¹²¹ Recommendations included: encouraging and facilitating the reporting on incidents of sexual exploitation, investigating, prosecuting and imposing appropriate sanctions on perpetrators; providing protection to victims of sexual exploitation and trafficking.¹²² According to the Special Rapporteur on the sale of children, addressing the root causes of sexual exploitation is essential. He recommended that the Government strengthen social programmes aimed at the reduction of poverty and social inequalities and assess their impact with indicators related to children's rights.¹²³ CESCR in 2003 and CEDAW in 2007 recommended that the State adopt a specific legislation against trafficking in persons and ensure its effective implementation.¹²⁴

17. In 2005, the HR Committee raised concerns about the persistence of practices of slave labour and forced labour and the absence of effective criminal sanctions against these practices.¹²⁵ It noted that the State should reinforce its measures to combat such practices.¹²⁶

18. In 2004, CRC was deeply concerned at the high rates of informal employment of children.¹²⁷ Among other measures, it recommended that the State strengthen its Programme to Eradicate Child Labour and to improve the labour inspection system.¹²⁸

3. Administration of justice and the rule of law

19. While noting efforts undertaken to reform the judiciary and increase its efficiency¹²⁹, the HR Committee remained concerned, in 2005, with interference with the independence of the judiciary and judicial corruption.¹³⁰ It was further disturbed by the failure of the judiciary in some states of the Federation to act against human rights violations. It recommended the creation of appropriate mechanisms to monitor the performance of the judiciary at the state level.¹³¹ In 2007, the Special Rapporteur on extrajudicial executions noted that the criminal justice system is in desperate need of large-scale reform and that such reform is feasible.¹³² Further, the Special Rapporteur on the question of torture recommended the creation of a programme of awareness-raising within the judiciary.¹³³

20. In 2004, CRC noted the establishment of juvenile courts, but was concerned at the lack of clear guarantees for a fair and speedy trial and at the lack of enforcement of rules for pre-trial detention. CRC recommended that the State continue its efforts to improve the system of juvenile justice in line with the CRC Convention and other UN standards.¹³⁴

21. Threats and acts of violence against judges, lawyers and defence attorneys working on cases that involve indigenous, environmental and land issues were a source of a serious concern for the Special Rapporteur on the independence of judges and lawyers.¹³⁵

22. Concerns regarding impunity were raised by CAT in 2001¹³⁶ and by the Special Rapporteur on the independence of judges and lawyers in 2005.¹³⁷ Similarly, the HR Committee noted with concern the climate of impunity regarding gross human rights violations committed by law enforcement officials.¹³⁸ During her recent visit to Brazil, the High Commissioner highlighted the need to foster accountability among law enforcement officials and to improve the administration of justice.¹³⁹ The Special Rapporteur on torture recommended on several occasions the need to take vigorous measures to make clear that the culture of impunity must end.¹⁴⁰ The SRSR on the situation of human rights defenders strongly recommended a review of existing mechanisms for the monitoring and accountability of the State security apparatus, particularly the military police.¹⁴¹ The HR Committee recommended that the State ensure prompt and impartial investigations into all allegations of human rights violations committed by law enforcement officials, prosecute perpetrators and ensure that they are punished in a manner proportionate to the seriousness of the crimes committed, and grant effective remedies to the victims.¹⁴² Regarding past abuses, the HR Committee, while noting in 2005 that the State had created a right to compensation for victims of human rights violations committed during the military dictatorship, observed that there has been no official inquiry into or direct accountability.¹⁴³

4. Participation in public and political life

23. The Special Rapporteur on the independence of judges and lawyers noted that the low level of women's representation is striking with women occupying only 5 per cent of the top posts in the judiciary and the Public Prosecutor's Office. The situation is even worse for

people of African descent and indigenous people, who occupy less than 1 per cent of the posts.¹⁴⁴ The HR Committee expressed similar concerns in 2005.¹⁴⁵ In 2004, CERD reiterated its concern over the fact that illiterate citizens, who are found especially among the indigenous, black or mestizo groups, do not have the right to be elected to public office.¹⁴⁶

5. Right to social security and to an adequate standard of living

24. CESCR welcomed the creation within the State of independent special rapporteurs responsible for monitoring economic, social and cultural rights.¹⁴⁷ While taking into account the high priority given to fighting hunger and poverty, CRC noted that Brazil is a country with a relatively high level of development, and shared the concerns of CESCR related to the persistent and extreme inequalities and imbalances in the distribution of wealth and resources.¹⁴⁸ It was concerned that the lives of a great number of children are marked by poverty, difficult access to, and deficient quality of, public services.¹⁴⁹ CESCR recommended that the State take immediate remedial action to reduce those inequalities and imbalances, including speeding up the processes of agrarian reform and of granting land titles.¹⁵⁰ Furthermore, the Special Rapporteur on racism, while acknowledging the commitment of the Government to the recognition of the Quilombos communities, recommended that Brazil guarantee them the provision of fundamental goods and services such as food, health, housing and education.¹⁵¹ The Food and Agriculture Organization (FAO) noted the Food Security Framework Law approved in 2006, which establishes adequate food as a basic human right and indispensable to the realization of the rights established by Constitution. It contains provisions for the establishment a national food and nutrition security system.¹⁵²

25. CRC welcomed the State's efforts to improve the health level, in particular the establishment of the Minimum Healthcare Allocation in 1998. It noted the reduction of child mortality as well as the positive changes observed in the child profile and in the HIV/AIDS incidence. CRC remained concerned at the low percentage of the population covered by at least one health plan; at the inequality in access to health services; about health conditions, particularly of children in rural areas, resulting in marked disparities in the quality of health services and of the lower socio-economic segments of the population in the North and North-east regions.¹⁵³

26. CRC was concerned by the high rates of early pregnancy that mainly affect the socially underprivileged segments of the society.¹⁵⁴ CESCR¹⁵⁵ and CEDAW¹⁵⁶ noted with concern the high rate of maternal mortality due to illegal abortions, particularly in the northern regions. CESCR was concerned about the persistence of forced sterilization.¹⁵⁷ It requested the adoption of legislative and other measures, including a review of the present legislation, to protect women from the effects of clandestine and unsafe abortion.¹⁵⁸ CRC recommended that the State further improve the adolescent health programme addressing, specifically, reproductive health issues, sex education and mental health.¹⁵⁹

27. According to UNHCR, Brazil hosts approximately 3,500 refugees, of whom some 25% are women. While asylum-seekers and refugees are documented, and have equal access to work, health care and education, refugees face particular difficulties in finding housing and employment, which hampers their ability to become self-reliant and integrate into society.¹⁶⁰

6. Right to education and to participate in the cultural life of the community

28. In 2004, CRC expressed concern about the remarkable disparities of access, regular attendance, dropouts and retention of children in schools across the country affecting particularly the poor, the mestizo children, those of African descent and children in remote

areas. The Committee was also concerned about the low quality of education in many schools¹⁶¹ and about the low educational opportunities of indigenous children.¹⁶² It recommended *inter alia* that the State increase its expenditure on education and ensure the allocation of budgets at all levels, and to strengthen its efforts to improve the quality of education.¹⁶³ Recommendations by CRC and CERD also included: pursuing measures to effectively address the gap in life opportunities of indigenous children¹⁶⁴ and adopting adequate measures to combat illiteracy.¹⁶⁵

29. CERD noted that the report has not provided sufficient information on cultural rights of persons belonging to minorities, in particular on their right to receive education in their own languages, and requested further information in this regard.¹⁶⁶ CRC recommended that the State take adequate measures to provide protection for the rights of indigenous children, in particular their rights to preserve their historical and cultural identity, customs, traditions and languages.¹⁶⁷ The Special Rapporteur on racism recommended the allocation of appropriate resources in order to allow the implementation of a differentiated indigenous educational system, as provided for in Regulation 3 of the National Council for Education.¹⁶⁸

7. Minorities and indigenous peoples

30. In 2006, the SRSG on the situation of human rights defenders noted that, although the Constitution provides for the right to land, the implementation of this provision has largely been initiated by rural communities themselves with powerful forces resisting its implementation.¹⁶⁹ While taking note of the State's objective to complete the demarcation of indigenous lands by 2007, CERD remained concerned at the fact that effective possession and use of indigenous lands and resources continued to be threatened and restricted by recurrent acts of aggression against indigenous peoples.¹⁷⁰ Concerns were also expressed by the HR Committee about the slow pace of demarcation of indigenous lands, forced evictions of indigenous populations from their land, and the lack of legal remedies to reverse these evictions and compensate the victimized populations for the loss of their residence and subsistence.¹⁷¹ CERD remained extremely preoccupied by the issues of non indigenous illegal occupants and by cases of violence against members of the indigenous communities in a specific indigenous area.¹⁷² In 2007, it expressed concern about the confirmation that amendments to the Constitution were being considered by the Chamber of Representative, with a view to decreasing the constitutional protection of indigenous lands.¹⁷³ The HR Committee and CERD recommended the adoption of measures regarding the demarcations of indigenous land and related rights.¹⁷⁴ CERD further recommended that the State accelerate the process of identification of Quilombo communities and lands, and of distribution of the respective title deeds to all such communities.¹⁷⁵ Its recommendations also included completing the removal of all illegal non-indigenous occupants of the specific indigenous area and ensuring the security of all members of the indigenous communities, as well as the exercise of their rights under the Convention.¹⁷⁶

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

31. In December 2007, the High Commissioner for Human Rights noted the State's demonstrated leadership at the international level in human rights and made significant achievements in the fights against poverty and HIV/AIDS.¹⁷⁷ In September 2006, the Law No. 11.346 was enacted, recognizing the right to food and the obligations of the Government in this regard.¹⁷⁸ UNICEF, World Health Organization (WHO) and World Bank reports noted that Brazil's national response to HIV/AIDS has often been cited as exemplary.¹⁷⁹ According to the 2005 UNICEF State of the World's Children, Brazil is one of the only developing countries to make antiretrovirals widely available.¹⁸⁰ More generally, the 2005 UNDP Human

Development Report stated that Brazil has saved lives thanks to vigorous public health policies that improve access to medicines.¹⁸¹ The Special Rapporteur on the independence of judges and lawyers considered that the Statute of the Child and Adolescent provided an exemplary system of guarantees, also noted by UNICEF and UNFPA.¹⁸² Furthermore, the Special Rapporteur on the sale of children pointed out that the First Court of Childhood and Youth of Rio Janeiro was a best practice.¹⁸³

32. The High Commissioner for Human Rights also stated that challenges remained, particularly in the administration of justice and the enforcement of other rights enshrined in the Constitution and especially with regards to indigenous rights.¹⁸⁴ The Special Rapporteur on extrajudicial executions recognized that the cities faced enormous challenges in keeping their residents safe from the violence of gangs.¹⁸⁵ Referring to the situation analysis undertaken for the Secretary-General's Study on Violence Against Children which demonstrated that violence in every age group in Brazil has increased over the last decade, UNICEF noted that this was one of the most serious challenges in the country.¹⁸⁶ While acknowledging the federal structure of Brazil, the HR Committee was also disturbed by the failure of the judiciary in some states to act against human rights violations.¹⁸⁷ The issue of inequalities was highlighted by UNICEF.¹⁸⁸ A UNDAF document stressed that inequality remains a central national characteristic and thus set it out as one of the main priorities for the current 2007-2011 UN programming cycle.¹⁸⁹

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

33. Brazil committed to engage with international protection mechanisms; consider the ratification of international human rights instruments; and strengthen the regional systems for the promotion and protection of human rights such as the Inter-American system.¹⁹⁰

B. Specific recommendations for follow-up

34. In 2005, Brazil was requested by the HR Committee to provide, within one year, relevant information on the assessment of the situation and the implementation of the Committee's recommendations relating to the forced eviction of indigenous population from their land, extrajudicial killing, torture, and other forms of ill-treatment and abuse committed by law enforcement officials, overcrowding and inhuman conditions of detention in jails at the state and federal levels and the question of impunity for human rights crimes committed under the military dictatorship.¹⁹¹ The follow-up response has been overdue since 2006.

V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

35. In 2004, CRC recommended that the State request technical assistance from, among others, OHCHR, UNICEF and the Inter-American Children's Institute, in the area of juvenile justice and police training, as well as for the establishment of an independent and effective mechanism in accordance with the Paris Principles.¹⁹² Regarding violence against children, it also recommended that Brazil seek assistance from UNICEF and WHO.¹⁹³ UNHCR and UNICEF submitted information regarding their capacity-building programmes and activities.¹⁹⁴

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed below may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006, ST/LEG/SER.E.25; complemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs, <http://untreaty.un.org/>.

² International Convention on the Elimination of All forms of Racial Discrimination.

³ International Covenant on Economic, Social and Cultural Rights.

⁴ International Covenant on Civil and Political Rights.

⁵ Convention on the Elimination of All Forms of Discrimination against Women.

⁶ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁸ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁹ Convention on the Rights of the Child.

¹⁰ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

¹¹ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

¹² First Optional Protocol to the International Covenant on Civil and Political Rights.

¹³ Second Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

¹⁴ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

¹⁵ International Convention for the Protection of All Persons from Enforced Disappearance.

¹⁶ The Convention on the Rights of Persons with Disabilities

¹⁷ Optional Protocol to the Convention on the Rights of Persons with Disabilities.

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

¹⁹ Include 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

²⁰ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). Source: Switzerland, Federal department of foreign affairs, <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

²¹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour and Convention; Convention No.105 concerning the Abolition of Forced Labour, Convention No.87 concerning Freedom of Association and Protection of the Right to Organise; Convention No.98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No.100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No.111 concerning Discrimination in Respect of Employment and Occupation; Convention No.138 concerning Minimum Age for Admission to Employment; Convention No.182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

²² CEDAW, Concluding Comments, 2007, CEDAW/C/BRA/CO/6, para. 39.

²³ The Permanent Mission of Brazil in Geneva, *Voluntary Pledges of Brazil to the Human Rights Council (HRC)*, Letter dated 12 April 2006 (hereinafter *Voluntary Pledges*).

²⁴ CESCR, Concluding Observations, E/C.12/1/Add.87, para. 4. See also, UNESCO, EFA Global Monitoring Report 2005, Paris, 2004, p. 31.

²⁵ Hereinafter, Special Rapporteur on the sale of children

²⁶ The Special Rapporteur on the sale of children, child prostitution and child pornography, Mission to Brazil, E/CN.4/2004/9/Add.2, para. 46.

²⁷ CRC, Concluding Observations, CRC/C/15/Add.241, para. 29.

²⁸ UNHCR submission to the UPR on Brazil, p.2.

²⁹ HR Committee, Concluding Observations, CCPR/C/BRA/CO/2, para.13.

³⁰ CESCR, Concluding Observations, op. cit., para. 5 and CEDAW, Concluding Comments, 2007, op. cit., para.6.

³¹ CEDAW, Concluding Comments, 2007, op. cit., para.6.

³² See http://www.unifem.org/news_events/story_detail.php?StoryID=503 (accessed on 15 February 2007).

³³ CERD, Concluding Observations, CERD/C/64/CO/2, para. 6.

³⁴ CAT, Concluding Observations, A/56/44, para. 118 (d).

³⁵ CAT, Concluding observations, op. cit., para. 118 (e). HR Committee, Concluding Observations, op. cit., para. 8. CESCR, Concluding Observations, op. cit., para. 6. See also, CEDAW, Concluding Comments, 2003, A/58/38, op. cit., para. 94; CERD, Concluding Observations, op. cit., para. 7.

³⁶ HR Committee, Concluding Observations, op. cit., para. 8; CAT, Concluding Observations, op. cit., para. 118 (e); CESCR, Concluding Observations, op. cit., para. 6.

³⁷ HR Committee, Concluding Observations, op. cit., para.8.

³⁸ HR Committee, Concluding Observations, op. cit., para. 4. CAT, Concluding Observations, op. cit., para. 118 (g).

³⁹ CERD, Concluding Observations, op. cit., para. 7.

⁴⁰ HR Committee, Concluding Observations, op. cit., para.14.

⁴¹ Hereinafter, Special Rapporteur on racism.

⁴² CRC, Concluding Observations, op. cit., para. 20, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mission to Brazil, E/CN.4/2006/16/Add.3, para. 72.

⁴³ The Special Representative of the Secretary-General on the situation of human rights defenders, Mission to Brazil, A/HRC/4/37/Add.2, paras 48-49.

⁴⁴ CEDAW, Concluding Observations, 2007, op. cit., para. 7.

⁴⁵ HR Committee, Concluding Observations, op. cit., para. 4. See also CESCR, Concluding Observations, op. cit., para. 7, CERD, Concluding Observations, op. cit., para. 4.

⁴⁶ CRC, Concluding Observations, op. cit., para. 60.

⁴⁷ *Ibid.*, para. 18.

⁴⁸ CEDAW, Concluding Comments, 2007, op. cit., para. 24.

⁴⁹ HR Committee, Concluding Observations, op. cit., para. 5.

⁵⁰ Report on Brazil, produced by the Committee Against Torture, under article 20 of the Convention and Reply from the Government of Brazil, Advance unedited version, CAT/C/39/2, 23 November 2007.

⁵¹ Letters sent by CERD, dated 18 August 2006, 14 March 2007 and 24 August 2007, available at <http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>.

⁵² Letter sent by CERD on 24 August 2007.

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- ⁵³ Report of the Special Rapporteur on the adverse effects of toxic and dangerous products and human rights, Mission to Brazil, E/CN.4/1999/46/Add.1.
- ⁵⁴ Report of the Special Rapporteur on the question of torture, Mission to Brazil, E/CN.4/2001/66/Add.2.
- ⁵⁵ Report of the Special Rapporteur on the right to food, Mission to Brazil, E/CN.4/2003/54/Add.1.
- ⁵⁶ Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Mission to Brazil, E/CN.4/2004/9/Add.2.
- ⁵⁷ Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mission to Brazil, E/CN.4/2004/7/Add.3.
- ⁵⁸ Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, Mission to Brazil, E/CN.4/2005/48/Add.3.
- ⁵⁹ Report of the Special Rapporteur on the Independence of Judges and Lawyers, E/CN.4/2005/60/Add.3.
- ⁶⁰ Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, E/CN.4/2006/16/Add.3.
- ⁶¹ Report of the Special Representative of the Secretary-General on Human Rights Defenders, A/HRC/4/37/Add.2.
- ⁶² Human Rights Council Sixth Session, 11 June 2007.
- ⁶³ Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, HR07175E, 15 November 2007.
- ⁶⁴ E/CN.4/2004/9/Add.2, paras. 1 and 4.
- ⁶⁵ E/CN.4/2005/48/Add.3, para. 6.
- ⁶⁶ E/CN.4/2005/60/Add.3, para.3.
- ⁶⁷ E/CN.4/2006/16/Add.3, para.2.
- ⁶⁸ E/CN.4/2004/7/Add.3, paras. 2 to 3.
- ⁶⁹ Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, op. cit.
- ⁷⁰ The questionnaires included in this section are those which have been reflected in a report by a Special Procedure mandate holder.
- ⁷¹ (1) Special Rapporteur on the right to education in 2006: Questionnaire on the right to education of persons with disabilities A/HRC/4/29, para. 47; (2) Special Rapporteur on the human rights of migrants, 8 and 9 September 2006: Questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants, A/HRC/4/24, para. 9; (3) Special Rapporteur on trafficking in persons, especially in women and children, 26 July 2006: Questionnaire on Forced marriages in the context of trafficking in persons, especially women and children A/HRC/4/23, para. 14; (4) Special Representative on human rights defenders in June 2005 aimed at identifying the main areas of progress and the remaining challenges that need to be addressed in relation to the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, E/CN.4/2006/95/Add.5; (5) Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in August 2007: Questionnaire on the human rights of indigenous peoples A/HRC/6/15, para. 7; (6) Special Rapporteur on trafficking in persons, especially in women and children 25 July 2005: Questionnaire on Demand for commercial sexual exploitation and trafficking E/CN.4/2006/62, para. 24; (7) Special Rapporteur on the right to education in 2005: Questionnaire on girl's right to education, E/CN.4/2006/45, para. 89; (8) Working Group on the use of mercenaries as a means of violating human rights, November 2005: Questionnaire on Mercenaries A/61/341, para. 47; (9) Special Rapporteur on the sale of children, child prostitution and child pornography, 24 July 2006 Questionnaire on the Sale of Children's organs A/HRC/4/31, para. 24; (10) Special Rapporteur on the sale of children, child prostitution and child pornography, 30 July 2004, Questionnaire on Child pornography on the Internet E/CN.4/2005/78, para. 4; (11) Special Rapporteur on the sale of children, child prostitution and child pornography, Questionnaire on demand for sexual services deriving from exploitation, 26 July 2006, E/CN.4/2006/67, para. 22; (12) Special Rapporteur on the sale of children, child prostitution and child pornography, questionnaire on the Prevention of child sexual exploitation, 29 July 2003, E/CN.4/2004/9, para. 4; (13) Special Representative of the Secretary-General on the issue of human rights and

transnational corporations and other business enterprises, Questionnaire to identify policies and practices by which states regulate, adjudicate and otherwise influence corporate actions, A/HRC/4/035, para. 7.

⁷² Special Rapporteur on the right to education in 2006: Questionnaire on the right to education of persons with disabilities A/HRC/4/29, para. 47, Special Rapporteur on trafficking in persons, especially in women and children 25 July 2005: Questionnaire on Demand for commercial sexual exploitation and trafficking E/CN.4/2006/62, para. 24, Special Rapporteur on the sale of children, child prostitution and child pornography, 30 July 2004, Questionnaire on Child pornography on the Internet E/CN.4/2005/78, para. 4.

⁷³ UN Press Releases of 30 November 2007 and 5 December 2007.

⁷⁴ Fund on contemporary forms of slavery, Fund for victims of torture, Fund for indigenous populations.

⁷⁵ UN Press Release of 25 July 2006, <http://www.unhcr.ch/hurricane/hurricane.nsf/NewsRoom?OpenFrameSet>

⁷⁶ CESCR, Concluding Observations, op. cit., para. 22.

⁷⁷ CEDAW, Concluding Observations, 2007, para. 11.

⁷⁸ Ibid., para. 17.

⁷⁹ Ibid., para. 18.

⁸⁰ Ibid., para 12.

⁸¹ CESCR, Concluding Observations, op. cit., para. 22.

⁸² CRC, Concluding Observations, op. cit., para. 29. See also CERD, Concluding Observations, op. cit., paras. 12-13.

⁸³ CESCR, Concluding Observations, op. cit., para. 20.

⁸⁴ CRC, Concluding Observations, op. cit., para. 30.

⁸⁵ CERD, Concluding Observations, op. cit., para. 18.

⁸⁶ CESCR, Concluding observations, para. 44.

⁸⁷ Hereinafter, Special Rapporteur on extrajudicial executions.

⁸⁸ Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, op. cit.

⁸⁹ Ibid.

⁹⁰ HR Committee, Concluding Observations, op. cit., para.12.

⁹¹ Ibid., para.13.

⁹² Ibid., para.12.

⁹³ CRC, Concluding Observations, op. cit., para. 34.

⁹⁴ The Special Representative of the Secretary-General on the situation of human rights defenders, op. cit., para. 15.

⁹⁵ Follow-up to the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, op. cit., para. 34.

⁹⁶ Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, op. cit.

⁹⁷ CRC, Concluding Observations, op. cit., para. 40.

⁹⁸ Report on Brazil, produced by the Committee Against Torture, under article 20 of the Convention, op. cit., para. 178. For the Special Rapporteur on torture, E/CN.4/2001/66 Add.2, para. 166.

⁹⁹ HR Committee, Concluding Observations, op. cit., para.12.

¹⁰⁰ Report on Brazil, produced by the Committee Against Torture, under article 20 of the Convention, Advance unedited version, CAT/C/39/2, 23 November 2007, para. 182.

¹⁰¹ CAT, Concluding Observations, op. cit., para. 120.

¹⁰² Report on Brazil, produced by the Committee Against Torture, under article 20 of the Convention, op. cit., para. 196.

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- ¹⁰³ CEDAW, Concluding Observations, 2007, para. 21.
- ¹⁰⁴ HR Committee, Concluding Observations, op. cit., para. 11.
- ¹⁰⁵ CRC, Concluding Observations, op. cit., paras. 42-43.
- ¹⁰⁶ Ibid., paras. 48-49.
- ¹⁰⁷ The Special Rapporteur of the Commission on Human Rights on the Sale of Children, Child Prostitution, and Child Pornography, op. cit., para. 121.
- ¹⁰⁸ HR Committee, Concluding Observations, op. cit., para.19.
- ¹⁰⁹ CRC, Concluding Observations, op. cit., para. 64.
- ¹¹⁰ Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, op. cit.
- ¹¹¹ Follow-up to the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, op. cit., para. 47
- ¹¹² Report on Brazil, produced by the Committee Against Torture, under article 20 of the Convention, op. cit., para. 178. See also CAT, Concluding Observations, op. cit., para. 119 (b).
- ¹¹³ HR Committee, Concluding Observations, op. cit., para.16.
- ¹¹⁴ CRC, Concluding Observations, op. cit., para. 68.
- ¹¹⁵ High Commissioner for Human Rights concluded visit to Brazil, Press release, HC07073E, 6 December 2007.
- ¹¹⁶ CAT, Concluding Observations, op. cit., para. 119 (c).
- ¹¹⁷ Ibid., para. 120 (d) and HR Committee, Concluding Observations, op. cit., para.16.
- ¹¹⁸ CAT, Concluding Observations, op. cit., para. 120 (d).
- ¹¹⁹ Follow-up to the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, op. cit., para. 48
- ¹²⁰ HR Committee, Concluding Observations, op. cit., para.15; CESCR, Concluding Observations, op. cit., para. 30.
- ¹²¹ CRC, Concluding Observations, op. cit., para. 62.
- ¹²² Ibid., para. 63. See also HR Committee, Concluding Observations, op. cit., para.15.
- ¹²³ The Special Rapporteur on the sale of children, child prostitution and child pornography, Mission to Brazil, op. cit., para. 123
- ¹²⁴ CESCR, Concluding Observations, op. cit., para. 54; CEDAW, Concluding Comments, 2007, op. cit., para. 24.
- ¹²⁵ HR Committee, Concluding Observations, op. cit., para.14.
- ¹²⁶ Idem.
- ¹²⁷ CRC, Concluding Observations, op. cit., para. 60.
- ¹²⁸ Ibid., para. 61.
- ¹²⁹ HR Committee, Concluding Observations, op. cit., para.17. See also CRC, Concluding Observations, op. cit., para.6.
- ¹³⁰ HR Committee, Concluding Observations, op. cit., para.17.
- ¹³¹ Ibid., para.7.
- ¹³² Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, op. cit.
- ¹³³ Follow-up to the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, op. cit., para. 39.
- ¹³⁴ CRC, Concluding Observations, op. cit., paras. 68-69.
- ¹³⁵ The Special Rapporteur on the independence of judges and lawyers, Mission to Brazil, E/CN.4/2005/60/Add.3, para. 99.

- ¹³⁶ CAT, Concluding Observations, op. cit., para. 119 (e).
- ¹³⁷ The Special Rapporteur on the independence of judges and lawyers, Mission to Brazil, op. cit., para. 30.
- ¹³⁸ HR Committee, Concluding Observations, op. cit., para. 12.
- ¹³⁹ High Commissioner for Human Rights concluded visit to Brazil, Press release, op. cit.
- ¹⁴⁰ Follow-up to the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, op. cit., para. 22.
- ¹⁴¹ The Special Representative of the Secretary-General on human rights defenders, Mission to Brazil, op. cit. para. 105.
- ¹⁴² HR Committee, Concluding Observations, op. cit., para.12. See also CRC, Concluding Observations, op. cit., para. 35
- ¹⁴³ HR Committee, Concluding Observations, op. cit., para.18.
- ¹⁴⁴ The Special Rapporteur on the independence of judges and lawyers, Mission to Brazil, op. cit., para. 98.
- ¹⁴⁵ HR Committee, Concluding observations, op. cit., para.10.
- ¹⁴⁶ CERD, Concluding Observations, op. cit., para. 20.
- ¹⁴⁷ CESCR, Concluding Observations, op. cit., para. 12.
- ¹⁴⁸ CRC, Concluding Observations, op. cit., para. 56 and CESCR, Concluding Observations, op. cit., para. 17.
- ¹⁴⁹ CRC, Concluding Observations, op. cit., para. 56. For indigenous children, see also, Ibid, para. 71.
- ¹⁵⁰ CESCR, Concluding Observations, op. cit., para. 40.
- ¹⁵¹ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mission to Brazil, op. cit., para. 79 (d).
- ¹⁵² FAO submission to the UPR on Brazil, p. 1.
- ¹⁵³ CRC, Concluding Observations, op. cit., paras. 52-53.
- ¹⁵⁴ Ibid., para. 54.
- ¹⁵⁵ CESCR, Concluding Observations, op. cit., para. 27.
- ¹⁵⁶ CEDAW, Concluding Comments, 2007, op. cit., para. 29.
- ¹⁵⁷ CESCR, Concluding Observations, op. cit., para. 27.
- ¹⁵⁸ Ibid., para. 51.
- ¹⁵⁹ CRC, Concluding Observations, op. cit., para. 55.
- ¹⁶⁰ UNHCR submission to the UPR on Brazil , p. 1.
- ¹⁶¹ CRC, Concluding Observations, op. cit., para. 58.
- ¹⁶² Ibid, para. 71.
- ¹⁶³ Ibid., para. 59.
- ¹⁶⁴ Ibid., para. 72.
- ¹⁶⁵ CERD, Concluding Observations, op. cit., para. 20.
- ¹⁶⁶ Ibid., para. 21.
- ¹⁶⁷ CRC, Concluding Observations, op. cit., para. 73.
- ¹⁶⁸ The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mission to Brazil, op. cit., para. 81 (c).
- ¹⁶⁹ The Special Representative of the Secretary-General on the situation of human rights defenders, Mission to Brazil, op. cit., para. 17.
- ¹⁷⁰ CERD, Concluding Observations, op. cit., para. 15.
- ¹⁷¹ HR Committee, Concluding Observations, op. cit., para.6.

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- ¹⁷² Letter sent by CERD to Brazil on 24 August 2007, op. cit. See also Letter sent by CERD to Brazil on 14 March 2007.
- ¹⁷³ Ibid.
- ¹⁷⁴ CERD, Concluding Observations, op. cit., para. 15. HR Committee, Concluding Observations, op. cit., para.6.
- ¹⁷⁵ CERD, Concluding Observations, op. cit., para. 16.
- ¹⁷⁶ Letter sent by CERD to Brazil on 24 August 2007, op. cit.
- ¹⁷⁷ High Commissioner for Human Rights concluded visit to Brazil, Press release, op. cit.
- ¹⁷⁸ Report of the Special Rapporteur on the Right to Food, A/61/306, op. cit., para. 15.
- ¹⁷⁹ UNICEF State of the Children's World 2005, New York, 2004, p. 74. WHO World Health Report 2004, Geneva, 2004, pp. 11; 23. World Bank World Development Report 2007, Washington DC, 2007, pp.142-143.
- ¹⁸⁰ UNICEF State of the Children's World 2005, New York, 2004, p. 77 .
- ¹⁸¹ UNDP Human Development Report 2005, New York, 2005, p. 27.
- ¹⁸² The Special Rapporteur on the independence of judges and lawyers, Mission to Brazil, op. cit., para. 32. See also UNICEF State of the Children's World 2005, New York, 2004, p. 34. See also, for specific examples, UNICEF State of the World's Children 2006, New York, 2005, p. 67; p. 77; UNFPA State of the World's Population Report 2007, New York, 2007, p. 30.
- ¹⁸³ The Special Rapporteur on the sale of children, child prostitution and child pornography, Mission to Brazil, op. cit., paras. 67-68.
- ¹⁸⁴ High Commissioner for Human Rights concluded visit to Brazil, Press release, op. cit.
- ¹⁸⁵ Press statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions, op. cit.
- ¹⁸⁶ UNICEF submission to the UPR on Brazil, p. 3.
- ¹⁸⁷ HR Committee, Concluding Observations, op. cit., para.7.
- ¹⁸⁸ UNICEF submission to the UPR on Brazil, p. 2.
- ¹⁸⁹ 2007-2011 United Nations Development Assistance Framework, UNCT Brazil, December 2005.
- ¹⁹⁰ The Permanent Mission of Brazil in Geneva, *Voluntary Pledges of Brazil to the Human Rights Council*, op. cit.
- ¹⁹¹ HR Committee, Concluding Observations, op. cit., para. 22.
- ¹⁹² CRC, Concluding Observations, op. cit., paras. 68-70, and para. 20.
- ¹⁹³ Ibid., para. 49 (e).
- ¹⁹⁴ See UNHCR, UNICEF UPR Submissions.
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