

**H.E. Ambassador Blaise Godet**

Permanent Mission of Switzerland in Geneva

**H.E. Ambassador Abdulwahab Abdulsalam**

Permanent Mission of Saudi Arabia in Geneva

**H.E. Ambassador Patrice Tonda**

Permanent Mission of Gabon in Geneva

**H.E. Ambassador Doru Romulus Costea**

President of the Human Rights Council

**H.E. Mrs. Myriam Tebourbi-Guerfali**

OHCHR – Member of the Secretariat of the UPR Working Group

**H.E. Mrs. June Ray**

OHCHR - Chief of the Civil Society Unit

May 2<sup>nd</sup>, 2008

**Ref. Corrections on the Brazilian Report of the WG on the UPR - A/HRC/WG.6/1/BRA/4**

Your Excellencies Ambassadors and Representatives of the OHCHR,

On behalf of Conectas Human Rights, NGO based in Brazil with ECOSOC consultative status, we would like to congratulate the work of the Troika members, Presidency and Secretariat of the Human Rights Council during the first session of the UPR.

We believe that the success of the new mechanism relies on the follow-up of the commitments and recommendations expressed in the final UPR reports. However, some important aspects of the Brazilian UPR interactive dialogue, held in April 11<sup>th</sup>, are not reflected or accurately described in its final report.

Therefore, **we kindly request the members of the troika and secretariat of the UPR to consider the following corrections in the *Report of the Working Group on the Universal Periodic Review – Brazil (A/HRC/WG.6/1/BRA/4, hereafter UPR Report)*, before its adoption in June 2008.**

**SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

**A. Presentation by the State under review (paragraphs 5 to 23)**

- (i) **Paragraph 14 of the UPR report (regarding the initial speech by Brazil, 16<sup>o</sup> 29<sup>o</sup> – Mr. Rogério Sottili) :** Mr. Sottili referred to several national human rights

conferences, including the Conference on Lesbian, Gay, Bisexual and Transgender to be held in 2008. In its paragraph 14, the UPR Report mentions that this last conference will involve "more than 30 NGOs". This was not said by Mr. Sottili, who only mentioned that there is today in Brazil 35 Councils of the Republic with social participation;

- (ii) **Paragraph 16 (Initial speech by Brazil, 20´03 – Mr. Rogério Sottili):** Mr. Sottili referred to the 60<sup>th</sup> anniversary of the Universal Declaration, including the government´s commitment to disseminate the basic idea of human rights and the articles of the Universal Declaration among the Brazilian population. This has not been mentioned at the UPR Report which only reflects what has been said about MERCOSUR;
- (iii) **Paragraph 19 (Initial speech by Brazil, 27´17 – Mr. Pedro Abramovay):** Mr. Abramovay referred to a decrease in the growth rate of the prison population since 2007 and not to a "decrease in the prison population since 2007" as reflected in the UPR report. After checking the webcast, we could conclude that there was an error of translation from Portuguese to English (this was then reflected in the written report). As the decrease of the growth rate and the decrease of the prison population are two completely different aspects, we kindly ask you to correct this paragraph, based on the official statement made by Brazil in Portuguese. It is worth full mentioning that, as pointed out by Mr. Abramovay, the prison population in Brazil is currently more than 420,000 people<sup>2</sup>. According to official data, in December 2007, the prison population was of 422,590 people, in 2006 it was of 401,236, and in 2005 it was of 361,402 people. This data only reinforces that there was a mistake in the translation, not reflecting accurately what was said by Mr. Abramovay;
- (iv) **Paragraph 20 (Initial speech by Brazil, 30´37 – Mr. Rolf Hackbart):** Mr. Hackbart expressed the government´s intention of incorporating 100,000 families to the National Program of Agrarian Reform in 2008, which was not mentioned at the UPR Report;

**B. Interactive Dialogue and Responses by the State under review (paragraphs 24 to 82)**

- (v) **Paragraph 40 (First Comments and Answers by Brazil, 00´00 – Mr. Rogério Sottili and 04´04 – Mr. Pedro Abramovay):** Mr. Sottili answered the question made by Peru about the right to memory. He mentioned two critical challenges: (i) to find more information about the location of the bodies of those who disappeared during the military dictatorship; and (ii) the opening of archives from the dictatorship to the general public. Mr. Abramovay added that, in 2005, all the archives were transferred to the National Archives in order to address the second challenge. This was mentioned as a positive measure towards the dissemination of the official information from the dictatorship period and not the opposite as reflected in the UPR Report;
- (vi) **Paragraph 43 (First Comments and Answers by Brazil, 12´16 – Mr. Rogério Sottili):** Mr. Sottili expressed the main challenges to address torture in Brazil - one of them was to set up the prevention mechanism established by the Optional Protocol to the Convention Against Torture (OPCAT), ratified by Brazil in 2007. The UPR report reflects Mr. Sottili statement that a national committee was established in Brazil but did not reflect the challenge to establish the national prevention mechanism of the OPCAT according to him (the established national committee and the non-established

national prevention mechanism are two different things as expressed in Mr. Sottili's speech);

- (vii) **Paragraph 76 (Second Comments and Answers by Brazil, 00'00 and 3'53 – Mr. Rogério Sottili and Mrs. Mariana Carpanezzi):** Mr. Sottili answered the questions raised by Canada (paragraph 57) and Belgium (paragraph 62) regarding human rights defenders. When answering, Mr. Sottili explained which measures were taken to improve this situation, as well as the challenges and commitments for 2010. However, the UPR Report does not reflect this answer, referring directly to the subsequent answer to Uruguay's question about agrarian reform and violence in rural areas. The same happened with the answers of Mrs. Carpanezzi to the questions raised by Ecuador (paragraph 60) and Japan (paragraph 64), regarding children's rights and sexual orientation.

We strongly believe that the corrections above (especially those regarding paragraphs 19, 43 e 76) will contribute to the effectiveness of the Brazilian UPR and to the work of NGOs at the national level.

Should you need any further information, please do not hesitate to contact us.

Best regards,



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With copy to

**H.E. Ambassador Sergio de Abreu Florencio** - Permanent Mission of Brazil in Geneva

**H.E. Min. Ana Cabral Petersen** - Brazilian MFA, Human Rights Department

**H.E. Vice-Minister Rogério Sottili** - Brazilian Human Rights Special Secretariat

<sup>1</sup> According to the timing of the webcast archives, available at <http://www.un.org/webcast/unhrc/archive.asp?go=080411>

<sup>2</sup> Ministry of Justice, "População Carcerária – Sintético". Available at:

<http://www.mj.gov.br/data/Pages/MJD574E9CEITEMIDC37B2AE94C6840068B1624D28407509CPTBRIE.htm>