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## **National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\***

**Brazil**

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\* The present document is being issued without formal editing.



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## I. Methodology and consultation process

1. The present document gathers the most important information about human rights in Brazil related to the recommendations issued in the III UPR cycle. The mid-term report already detailed a great part of the developments since the beginning of the cycle (2017) until 2019; therefore, Brazil will submit this document as an update to that information, along with new data that has emerged after that period.
2. The III Cycle of the UPR in Brazil was certainly the most participatory of all. Brazil's initiative to reinforce its commitment to the mechanism, by presenting a mid-term report for the first time and seeking to impart information nationally over the mechanism, gave rise to a series of actions by various actors. Furthermore, civil society presented its shadow mid-term report. Moreover, the UPR Parliamentary Observatory was launched by the Chamber of Deputies. This Observatory was created with the support of the Office of the United Nations High Commissioner for Human Rights.
3. In drafting the current document, the Ministry of Women, Family and Human Rights (MMFDH, in Portuguese), which is responsible for the preparation of international human rights reports, sent consultations to 25 governmental agencies. Initially, it compiled and examined all the information already received from these agencies in the last four and a half years. Afterwards, the Ministry connected and confirmed the contents of such information according to each recommendation received. All agencies consulted have engaged in the process and responded to the consultations accordingly. In addition, the Ministry requested information to the National Human Rights Council and the Public Defender's Office, which have also presented their contributions.
4. After receiving these contributions, the Ministry proceeded to prepare the present document, observing United Nations Resolutions 16/21, 17/119 and 49/115. For this reason, this report was organized according to the division suggested by the United Nations.
5. The current report was submitted to a broad public consultation process with diverse institutions, as detailed below.
6. Initially, the government published the draft report to collect impressions at the MMFDH website for almost 50 days, through a semi-structured form with 17 questions divided in sections, following the same structure in this report. The possible evaluation terms included "excellent", "good", "regular" and "insufficient" and there was a blank space for additional remarks. 50% of the responses received were "excellent" and 50% were "insufficient". There were no responses in the blank field.
7. The report was widely disseminated through the MMFDH social networks and on its website. Moreover, the government requested its disclosure to interested organizations and actors through an electronic message sent to the UN Office in Brazil, aiming to achieve higher engagement to the consultation form.
8. Relevant institutions such as the Federal Public Defender's Office and the National Human Rights Council forwarded their remarks concerning the report.
9. Still regarding public consultations, the MMFDH and the Ministry of Foreign Affairs (MRE, in Portuguese) participated, in May 2022, in a public hearing to debate the draft report with representatives from civil society, the Parliament and the National Human Rights Council.
10. In addition, the government expanded the consultation process to state and municipal governments and institutions, by sending official letters to all federative states requesting contributions to the report. Since this was the first time that such an initiative took place, the 8 of a total of 27 federative units responded. The comments addressed issues related to migrants, refugees, children and adolescents, fight against forced labor and the rights of LGBT people, women, the elderly, people with disabilities, as well as traditional and indigenous peoples. Suggestions included broadening the information on the legal framework of topics such as combating violence against women.
11. Ultimately, the efforts to expand the public consultation, in order to bring the debate over the mechanism to different spheres, public and private, was worthwhile and increased

the UPR's visibility. In the next cycles, we hope to achieve a larger number of participants in the consultations, public hearings, online forms and official letters to subnational bodies.

## **II. Developments in the normative and institutional frameworks for the promotion and protection of human rights**

12. Brazil has a strong record of cooperation with international and regional mechanism of human rights protection. The country extended, in 2001, a standing invitation for visits from all thematic Special Procedures of the Human Rights Council (HRC), and is one of the most visited by mandate holders.

13. Since the last UPR cycle, Brazil has received four visits from United Nations special procedures - Alice Cruz, Special Rapporteur on the Elimination of Discrimination against Persons affected by Leprosy and their Family Members; Ikponwosa Ero, then Independent Expert on the Enjoyment of Human Rights by Persons with Albinism; Baskut Tuncak, then Special Rapporteur on Hazardous Substances and Wastes, and Clément Voule, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association. Brazil has also received a high-level technical visit of the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

14. In 2019, Brazil was reelected for the HRC, for the term 2020–2022. In that occasion, the country reaffirmed its commitment to the promotion and protection of the highest human rights standards, to the defense of democracy and to a well-functioning state under the rule of law. In 2021, Brazil applied for reelection to the HRC, for the term 2024–2026.

15. Regarding human rights international instruments, Brazil is a part of 16 of the 18 main human rights treaties. In 2017, the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure was ratified. With regards to the two instruments to which Brazil is not a party, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is under discussion in Congress. Signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights is still being considered.

16. Within the International Labour Organization, Brazil is part of seven of the eight fundamental conventions, having ratified, in 2018, the 189 Convention on Domestic Workers.

17. The Brazilian government enacted, in October 2018, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and, in January 2022, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

18. Brazil has also joined the International Holocaust Remembrance Alliance, in 2021, and the International Religious Freedom or Belief Alliance, in 2020.

19. Besides these developments, in 2015, Law n. 13,104 was enacted, to establish femicide as an aggravating circumstance of the crime of homicide and to include femicide in the list of heinous crimes. Afterwards, the National Plan against Femicide was established, under Decree n. 10,906 of December 20<sup>th</sup>, 2021, which has as one of its goals encouraging people to report all forms of violence against women.

20. It should also be noted that, from 2017 to 2022, various laws were enacted to alter the Maria da Penha Law. These laws established, among other things, the introduction of urgent protective measures that can be determined by the Head of Police or other police officers, with subsequent endorsement by the judiciary power, and the seizure of any firearms in the possession of the aggressor by court order.

21. Another relevant normative landmark was the enactment, in 2021, of Law n. 14,132, which alters the Criminal Code to provide for the crime of stalking through any means, with a penalty increase when the victim is a child, an adolescent or an elderly person, or when the crime is committed against a woman based on sex.

### **III. Promotion and protection of human rights, implementation, follow-up to the previous review and continuity**

22. Given the presentation by Brazil of the mid-term report, in this topic we will use the thematic division previously set in order to provide updated information to that document, following the same methodological structure.

#### **International instruments, general recommendations and national human rights institutions**

23. The Universal Periodic Review Parliamentary Observatory, a partnership of the Chamber of Deputies with the United Nations High Commissioner for Human Rights, was formally launched in a Chamber of Deputies' Formal Sitting on February 18, 2020.

24. In 2021, 25 public hearings were carried out with public servants, civil society representatives and international experts, to debate preliminary shadow reports. The final reports, drafted after the discussion, are available. The full contents of the hearings, with their transcripts, as well as the final shadow reports, are available in Portuguese at: Relatórios, infográficos e audiências – Portal da Câmara dos Deputados (camara.leg.br)

25. The content available in this website represents the contribution of the UPR Parliamentary Observatory to this UPR cycle in Brazil. The results obtained until March 31 will be shared with the United Nations, with a view to contribute to the next cycle.

26. At the regional level and in bilateral contacts, Brazil has participated actively in all of the editions of Mercosur's Meeting of High-Level Authorities on Human Rights (RAADH, in Portuguese), and in its specialized meetings about women, indigenous people, people of African descent and youth.

27. In 2020, Brazil made a voluntary contribution to the Inter-American Commission on Human Rights of USD 10,000.00, to support the financing of the activities of the Special Monitoring Mechanism for Venezuela (MESEVE). Brazil has also made a voluntary contribution in favor of the activities implemented by the Office of the United Nations High Commissioner of Human Rights (OHCHR) of USD 10,000.00, in 2020 and 2021, to support the monitoring of the human rights situation in Nicaragua. In addition, it made a voluntary contribution to UN Women of USD 20,000.00 in 2021.

#### **Poverty reduction and social development**

28. In 2020, to mitigate the effects of the Covid-19 pandemic on the most vulnerable portion of the population, especially on those in informal economic activities, with low or uncertain pay, Law n. 13,982, from April 2, 2020, set exceptional social protection measures. The main social policy adopted during the pandemic was the establishment of the Emergency Aid. Amounting to R\$ 600.00, this aid was granted in 5 installments, three of them established by the above mentioned law. The other two were granted through the extension provided by Decree n. 10,412 of June 30, 2020. In the case of single-parent families, the aid was doubled, specifically benefiting households headed by women.

29. The Emergency Aid directly targeted 68.2 million eligible citizens having positively and indirectly impacted more than half of the Brazilian population, with an investment of more than R\$ 295 billion to reduce the socioeconomic impacts caused by the Covid-19 pandemic.

30. At the end of the initial five months, there was still a need to provide social protection to these beneficiaries; thus, Provisional Measure n. 1,000/2020 was enacted, which created an additional Emergency Aid, amounting to R\$ 300.00, to be paid for another four months. The extension of the Emergency Aid aimed at ensuring income to the most vulnerable segments of the population until the end of 2020, due to the enduring economic crisis caused by the Covid-19 pandemic.

31. By the end of 2020, the Emergency Aid and its extension reached more than 19.2 million people that benefited from the Family Grant Program (“Bolsa Família”, in Portuguese). Together they amounted to R\$ 106.2 billion transferred on to the population.

32. Due to the persistence of difficulties arising from the Covid-19 pandemic, the public administration considered it was necessary to provide for an additional emergency benefit to those most vulnerable. Hence, Provisional Measure n. 1,039, from March 18, 2021 established the new Emergency Aid for 2021. The financial support, paid in four monthly installments comprised three different kinds of benefits: (i) a basic benefit (R\$ 250,00); (ii) a single mother benefit (R\$ 375,00); and (iii) a single-person household benefit (R\$ 150,00).

33. This financial support targeted the same public that benefited from the Emergency Aid and the Additional Emergency Aid. The concession of the 2021 Emergency Aid to people that benefited from the Family Grant Program was possible in cases where the amount of the Emergency Aid was higher than the amount the family received from the Family Grant Program, given that the established eligibility criteria had been met, as in 2020.

34. It should be highlighted that in May 2021, the Family Grant Program set a record in its providing benefits to 14.69 million families.

35. With the end of the 2021 Emergency Aid in October, the challenges of the post-pandemic recovery demanded a quick response from the government, to alleviate the difficulties faced by those most vulnerable and promote the economy’s recovery, not in an isolated or temporary way, but in a structured manner, in order to protect the families and curb poverty and extreme poverty.

36. This was made possible through the launch of the Brazil Aid Program (PAB, in Portuguese) established by Law n. 14,284, from December 29<sup>th</sup>, 2021, which enhanced the Federal Government income transfer policy with requirements, integrating health, education, employment and social welfare benefits. While it provides basic income to families in vulnerable situations, it also aims to promote socioeconomic self-sufficiency.

37. Regarding the financial benefits from the Brazil Aid Program, one of the main developments was the simplification of its structure, encompassing in its core, the three following benefits: (i) Early Childhood Benefit, targeting children from zero to 36 months; (ii) Family Composition Benefit, for pregnant women, breastfeeding women and people aged from three up to 21 years, and (iii) the Benefit to Overcome Extreme Poverty, destined to families in situation of extreme poverty, whose family monthly per capita income does not allow for them to overcome their condition of extreme vulnerability, even after adding incomes from governmental benefits.

38. Besides the abovementioned benefits, the Compensatory Transition Benefit was introduced. It is granted to beneficiaries of the Family Grant Program whose financial benefits decreased, in order to ensure that no family receives an amount smaller than the one formerly received through the previous program.

39. The Cooking Gas Aid Program, introduced by Law n. 14,237, from November 19<sup>th</sup>, 2021, was also regulated. It aims at contributing to the payment of the household expenses of the most vulnerable families in the country. In February 2020, the number of families contemplated by the Cooking Gas Aid Program reached 5.58 million. The beneficiaries receive R\$ 50.00, with a total investment from the Federal Government of R\$ 279 million.

40. Furthermore, Provisional Measure n. 1,076, from December 7<sup>th</sup>, 2021, created the Extraordinary Benefit, in order to enable additional protective measure for those most vulnerable, in light of the socioeconomic challenges arising from the Covid-19 pandemic. This benefit, extended up to December 2022 through Decree n. 10,919, from December 29, 2021, will allow all families that benefit from the Brazil Aid Program to receive, at least, R\$ 400.00, increasing significantly the amount transferred to families.

41. In January 2022, the Brazil Aid Program assisted 17.5 million families, through a total transfer of R\$ 7.1 billion. In February 2022, the program helped 18.01 million families, from a budget of R\$ 7.31 billion. The average benefit amount was of R\$ 402.61.

42. Finally, the main improvements brought by the Brazil Aid Program in relation to the Family Grant Program are related to its expansion, the simplification of the beneficiaries list;

the creation of new benefits, aids, and grants; the association to initiatives to award merit in science or sports, and the search for ways so that families' work incomes are enough to provide for their basic needs. This will help families reach their self-sufficiency, enter the job market and, in the long run, voluntarily leave the Program.

43. The Continuous Cash Benefit Program (BPC in Portuguese) is an individual welfare benefit amounting to one minimum wage, which integrates the National Social Basic Protection System. Created by the 1988 Constitution and regulated by the Organic Law of Social Assistance (LOAS in Portuguese) and Decree n. 6,214/2007, it targets people with disabilities and those over 65 years of age who are not able to meet their own needs or have them met by their families. To be eligible for the BPC, the applicant must have a per capita family income lower than 25% of the current minimum wage.

44. Research carried out among the BPC beneficiaries (Brazil, 2010) has demonstrated that: on average, the income derived from the BPC accounts for 79% of these families' budgets; in 47% of the cases, the BPC payment was the families' sole income. Research has also pointed out that the BPC has an important impact in the reduction of inequality.

45. In 2021, legislative changes in the BPC allowed the program to encompass those in a situation of care-dependency. Therefore, the family income may equal 50% of the minimum wage or less for those cases of people in a situation of care-dependency whose health and care expenses are not covered by the Single Health System (SUS, in Portuguese) and the Unified Social Assistance System (SUAS, in Portuguese). These changes have also led to the creation of the Inclusion Aid for the BPC beneficiaries who enter the job market, in order to ease this transition for the beneficiaries.

46. In 2021, through Law n. 14,284, of December 29, the Brazilian government introduced the Feed Brazil Program to replace the Food Acquisition Program (PAA in Portuguese). The government ensured that the main goals of the PAA were included in the new program, namely: (i) to encourage family agriculture and promote economic and social inclusion, with incentives to sustainable production, (ii) to encourage consumption and awareness of the food produced by family agriculture and (iii) to promote access to food, in the appropriate quantity, quality and frequency, by people in a situation of food and nutritional insecurity, given the human right to adequate and healthy food.

47. One of the program's goals is reached via "Purchase with Simultaneous Donation", an initiative through which food is purchased from family farmers and later donated to social welfare, education, and health institutions, promoting access to healthy food to families in a situation of social vulnerability.

48. In 2020, during the Covid-19 pandemic, the Brazilian government used extraordinary budget credits of up to 100 million dollars as a way of both ensuring food supply in the cities and safeguarding farmers' income, given the closing of food fairs and restaurants, which are the main outlets for family farming production.

49. In this respect, it is also important to highlight the introduction, through Law n. 14,284/2021, of the Rural Production Inclusion Aid (AIPR, in Portuguese) within the Brazil Aid Program. The AIPR is a supplementary benefit for rural families living in extreme poverty, which amounts to R\$ 200.00 monthly, with the specific purpose of supporting the development of productive activities, be it for self-consumption or for sale, ensuring the improvement of these families' nourishment and inclusion in public and private markets.

50. Both policies prioritize rural women's participation due to their important role in self-consumption production and family nourishment. It is also a means for self-sufficiency and empowerment of women, contributing, over the years, to the mitigation of all kinds of violence against these women.

51. Since 2019, 595 trucks have been donated for food transport; 8 food banks have been renewed; the Food Donation Law (Law n. 14,016/2020) has been approved; the normative framework has been updated and access to fiscal incentives granted in return for donated food has been modernized (Fraternal Brazil Program – "Food on our Plates", launched in November/2021). As a result, there was an increase of 8% in donations when compared to the periods from November/2020 to January/2021 and November/2021 to January/2022<sup>1</sup>.

52. Force in Sports Program (PROFESP, in Portuguese), in turn, provides sports and educational activities in military facilities, after school, offering healthy food for children and teenagers from 6 to 18 years old in situation of social vulnerability or with disabilities (in this case, without age limit). The program serves 30,000 children and teenagers in around 200 Brazilian cities, distributed in all federation units. Each child participates in activities three times a week and receives two meals each day. In the absence of activities, due to the Covid-19 pandemic, the participants' families received monthly food baskets.

53. It must be noted, in this sense, the enactment of Provisional Measure n. 1,001/2020, valid since September 15<sup>th</sup>, 2020, which opened extraordinary budget credit, in favor of the Ministry of Citizenship, amounting to R\$ 86,300,000.00, to face the Covid-19 pandemic situation.

### **Protection of specific groups (people of African descent, indigenous people, women, people with disabilities, children and adolescents, and LGBT people)**

54. After its promulgation, in 2022, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance is now a part of the Brazilian legal framework with Constitutional status. This emphasizes the importance assigned by the Brazilian government to the fight against discrimination, by strengthening the legal framework in order to prevent, eliminate, prohibit and punish, according to constitutional and convention rules, all acts of racism and intolerance.

55. Furthermore, the Technical Cooperation Agreement n. 5/2021 led to the beginning of the project "Racial Equality in Schools". It aims to promote the continued training of primary school teachers to raise awareness of racial equality in schools and contribute to the enforcement of Law n. 10,639, from January 9, 2003. This law altered a previous norm regarding guidelines and baselines for education nationally to include the compulsory teaching of the subject "Afro-Brazilian History and Culture" in the official curriculum of the Brazilian education network.

56. In this regard, the following actions to promote inclusive social dialogues and knowledge dissemination can be listed:

- Launching of the course "Ethnic-racial policies: concepts and methods to overcome racism and inequalities", available on: <https://www.escolavirtual.gov.br/curso/417>.
- Launching of the course "Access to fundamental rights, an approach to the indigenous agenda", available on: <https://www.escolavirtual.gov.br/curso/544>.
- Release of the campaign "I am the Brazilian People", available on Governo Federal homenagem Povos e Comunidades Tradicionais em websérie | Ecoamazônia ([ecoamazonia.org.br](http://ecoamazonia.org.br)) Regarding the prevention of violence against women, Decree n. 10,906, from December 20<sup>th</sup>, 2021, established the National Plan against Femicide. This plan envisages actions aiming at fighting and preventing violent deaths of women due to their sex, considering the existence and interaction of factors such as race, ethnicity, age, social inclusion, economic and regional situation and disability, which can increase women's vulnerability. The plan will receive investments of around US\$ 150 million by 2023.

57. Also regarding the prevention of violence against women, it bears mentioning the expansion of the House of the Brazilian Woman, a facility that includes, in the same space, specialized services for victims of violence, such as psychosocial support, legal advice, and actions to promote economic autonomy.

58. As for combating violence against children and adolescents, Decree n.10,701, from May 17<sup>th</sup>, 2021, instituted the National Program to Combat Violence against Children and Adolescents and the Intersectoral Commission to Combat Violence against Children and Adolescents. This program provides for actions to combat physical, sexual, psychological, and institutional violence against children and adolescents, taking into account an ethnic-

racial perspective of the Brazilian population and considering a child's possible background as a member of a traditional people or community.

59. Moreover, the National Program to Combat Violence against Children and Adolescents has the purpose of coordinating, consolidating, and developing public policies designed to ensure the human rights of children and adolescents, in order to protect them from all kinds of negligence, discrimination, exploitation, violence, abuse, cruelty and oppression.

60. Taking that into account, 1,026 Guardianship Councils in 997 Brazilian cities have been equipped since 2019. Based on an investment of more than R\$ 103 million derived from parliamentary amendments, the vehicles and the equipment delivered to the Guardianship Councils have benefited 5,130 counselors and reached about 100,000,000 citizens who received public service of higher quality in these spaces.

61. In partnership with the United Nations Children's Fund (UNICEF) and with the support of Childhood Brazil, the ABRINQ Foundation and the Caqui Publishing House, a version for kids and teenagers of the application Brazil Human Rights was launched. With the name "SABE- Discovering, Learning and Protecting", its goal is to provide a channel of interactive communication so that, in case of violations of children and adolescents' rights, they are able to have the means to ask for assistance. The application, in addition to being available on the Google Play app store (Sabe – Apps no Google Play), is also available at the following website address: Sabe ([mdh.gov.br](http://mdh.gov.br))

62. Moreover, in 2020 and 2021, four National Forums promoted a space for dialogue and sharing of experiences and good practices both nationally and internationally, fostering regional, multidisciplinary and intersectoral actions to provide elements to public policy development concerning the prevention of and fight against the main violations to children and adolescents' rights in Brazil.

63. The National Forums gathered more than 10,000 people and reached over 220,000 people through MMFDH official channels. All of the events resulted in digital books with a compilation of the lectures and good practices presented. There were also reports with the specialists' contributions for public policy-making.

64. Another significant initiative is the "Protected Child" Program, carried out in partnership with the Organization of Ibero-American States (OEI). Its goal is to train professionals of the system of rights assurance, including those working with programs that foster children and adolescents' social participation and empowerment, in "Intersectoral and interdisciplinary protection of children and adolescents who are victims of violence", "Sexual violence" and "Public service and protection programs", through workshops, courses and meetings.

65. Since the beginning of the current administration, the Executive branch has acted firmly to reduce teen pregnancy. It has had significant outcomes in this endeavor, such as the approval, in 2019, of the law that created the National Week of Teen Pregnancy Prevention (Law n. 13,798, from January 3<sup>rd</sup>, 2019), in the first week of February. The government has also succeeded in approving Law n. 13,811, in 2019, which raises the minimum age for marriage to 16 years. In 2020, the advertising campaign to prevent teenage pregnancy "All in its time" sought to offer scientific information, as well as to encourage teenagers to consider factors such as affection and to seek family involvement and support when reflecting on their professional and future projects.

66. In 2022, Brazil also played a prominent role in the WePROTECT Global Alliance (WPGA). The initiative, established in 2016, aims at creating a strong global network against online abuse and sexual exploitation of children and adolescents, having become, in 2020, an independent non-profit institution, funded by private philanthropic foundations. Currently, 98 governments are members of the WePROTECT Global Alliance, as well as 45 private companies, 46 civil society organizations and 9 international institutions. The most recent Global Summit, in June 2022, allowed for the sharing of good practices and lessons learned, having resulted in reaching an agreement on collaborative solutions that reaffirmed the commitments of the Alliance's members to taking the necessary measures to fight sexual exploitation in the digital world.

67. According to data from the Brazilian Institute for Geography and Statistics, there was a decrease of 357 thousand children and adolescents in child labor between 2016 and 2019 (in absolute terms).

68. Regarding the fight against child labor, Interpol's Operation "Turquesa II" is a recent example of success. In this operation, that took place in Brazil, at the end of 2020, the Federal Police was invited to host and coordinate the operational center of the joint action of over 20 countries against people smuggling and human trafficking. It had UNODC support, within a multinational project to fight transnational criminal organizations that pursue this illegal activity. The operation resulted in more than 200 arrests of people involved in criminal networks that smuggled around 3,500 migrants in the Americas, Africa, Europe and Asia.

69. Similarly, Operation "Resgate" initiated in 2021 to combat forced labor, was coordinated by the Federal Police, with the participation of other institutions. It resulted in the rescue of over 100 people in forced labor, until January 28 of 2022. It was a joint effort that stemmed from complaints received mainly through the "Call 100" and "Call 180" hotlines.

70. In compliance with the Child and Adolescent Statute and in face of the Covid-19 pandemic, Joint Recommendation n. 1 from June 23, 2020, on public services to indigenous children and adolescents, was prepared and published.

71. The Brazilian government has also financed the purchase and distribution of more than 400 thousand food baskets for indigenous and *quilombola* families between 2020 and 2021. This action, aimed at families from ethnic minorities subjected to food insecurity, ensured adequate nourishment to indigenous and *quilombola* children.

72. Regarding the rights of LGBT people, the National Council of Justice published, in 2020, Resolution n. 348/2020, which "Establishes guidelines and procedures to be observed by the judicial system, in the criminal sphere, regarding the treatment given to lesbians, gays, bisexuals, transsexuals, transvestites or intersexes who are imprisoned, facing accusations, acting as defendants, condemned, deprived of liberty, serving alternative sentences or under electronic monitoring".

73. Additionally, in 2021, guidelines were published within the scope of the Doing Justice Program, regarding the abovementioned resolution. Given the name "Guidelines on Resolution n. 348/2020: Procedures related to LGBTI people facing accusations, acting as defendants, condemned or deprived of liberty: recommendations to courts and judges toward the implementation of Resolution n. 348/2020, from the National Council of Justice", the document addresses the premises for judicial action in cases involving LGBT people which are facing accusations, acting as defendants or condemned. It also establishes definitions and parameters to guide decision-making processes in the judiciary branch.

74. It is also worth highlighting the Federal Supreme Court 2019 decision that determined that, until the National Congress publishes a specific law, real or supposed discriminatory conduct against LGBT people shall be equal to the crimes foreseen in Law n. 7,716/2018. This law defines crimes arising from prejudice related to race or color. The decision also established that such conducts constitute aggravating circumstance to involuntary manslaughter, amounting to cruelty.

75. Finally, Resolution n. 423 from May 2021, which determined that public selections for the admission of public servants to all levels of the national judiciary power shall include issues related to LGBT phobia in the content to be assessed.

76. Moreover, in 2021, within the scope of the Ministry of Labour and Welfare, an agency body was created to fight work discrimination. Its initiatives comprise (i) development of information and awareness campaigns for the external public; (ii) dissemination of the channels through which the Labor Inspection receives complaints; (iii) development of theoretical and practical training for the internal public; (iv) development of pilot projects of national inspections to fight work discrimination and harassment; (v) development of training on domestic work for the external public; (vi) promotion of social dialogue with workers, employers and their representatives; and (vii) the implementation of National Campaign for Decent Domestic Work.

77. Currently, a Training Course on Work Discrimination is being developed and the updated legislation on the subject is being consolidated. Furthermore, a study is underway on the subject of work discrimination on account of age, with gender and race intersections being considered.

78. In 2021, the issue of domestic work was included in the planning of the Undersecretary of Labor Inspection for 2022 in a project to be organized nationally, as an optional initiative to regional superintendencies of the Ministry of Labour and Welfare. Currently, five federative units have already implemented the initiative. This year, the Domestic Work Seminar was carried out to disseminate inspection procedures among the inspection staff.

79. Considering, also, Uruguay's good practices related to labor inspection measures to fight labor irregularities in domestic work, an agreement was concluded with that country for a virtual exchange of experiences.

80. In 2022, the National Campaign for Decent Domestic Work was launched, to promote domestic work and domestic workers, foster institutional debate, and ensure the enforcement of labor legislation related to the subject. In the same year, a national program of practical training for labor inspectors was organized to fight domestic servitude.

81. Regarding domestic labor that amounts to slavery, the first rescue of a domestic worker took place in 2017. Afterwards, there were 26 further rescues until December 2021. Data from 2017 up to June 2021 indicate that 73% of the rescues took place in urban households. Moreover, 80% of rescued workers were women, 72% of them were black, 11% white, 11% yellow and 6% indigenous.

### **Migrants, refugees, human rights defenders and fight against human trafficking**

82. The International Organization for Migration (IOM) and the National Council of Justice (CNJ) will publish a Compilation of International, Regional and National Legislation about Human Trafficking and Related Crimes. The document is in the final stage of adjustments and formatting.

83. Furthermore, CNJ, in partnership with the International Organization for Migration, also published, in October 2021, a document called "Human Trafficking in Numbers: Court Cases", which presents data from the last decade over proceedings in Brazilian courts involving human trafficking.

84. In July 2020, a Technical Cooperation Agreement was reached between the National Council of Justice and the Ministry of Justice and Public Security, to develop preventive actions in the fight against human trafficking, and to facilitate the exchange of data, information, and experiences regarding human trafficking. After this partnership, CNJ joined UN's "Blue Heart" campaign.

85. Another meaningful initiative is an integrated digital system of information on human trafficking (SISETP, in Portuguese), currently under validation. When the system becomes available to members of the Network to Combat Human Trafficking, public services to victims are expected to be facilitated. Moreover, the collection of complete statistical data on the subject should also be facilitated, providing elements for policymaking in this area. The government hopes to address, thus, the relevant challenge of generating and collecting solid data about this underreported crime.

86. On the subject of refugees and migration, Brazil currently hosts more than 345 thousand Venezuelan citizens, among migrants, refugees and asylum seekers. Operation "Acolhida", the bedrock of the Brazilian response to the Venezuelan flow, consists of a multisector task force comprised by governmental agencies, as well as civil society and international organizations, to promote border planning, the sheltering of refugees and their interiorization, in order to ensure that they are able to live in Brazil without being subject to any kind of discrimination. In addition, Brazil has issued humanitarian visas to citizens from

Syria, Afghanistan and Ukraine that have arrived in the country after fleeing conflicts at home.

87. It should also be noted, the Ministry of Education's support to the recognition of academic degrees of citizens from countries facing humanitarian crises, such as Venezuela and Syria. For instance, the Federal University of Amazonas has supported the recognition of titles from Venezuelan migrants in Brazil.

### **Businesses and human rights**

88. In 2018, Decree n. 9,571 was published, laying down the National Guidelines on Businesses and Human Rights. It also established that combating discrimination in the workplace and promoting an appreciation of diversity are responsibilities of the State in order to achieve the overall goal of protecting human rights in businesses activities.

89. The Ministry of Women, Family and Human Rights is currently preparing the Brazilian National Action Plan on Businesses and Human Rights. Since 2020, more than 60 meetings were carried out with government, private sector, and civil society representatives. In February 2022, a public notice was published to select entities to support the drafting of the Plan. The goal is to complete briefly the Baseline Study, which is a key element in the preparation of the National Action Plan.

90. Brazil is dedicated to ensuring the adequate inspection of the tailings dams in the country, having adopted all relevant legal and extrajudicial measures to support families and communities affected by the dam collapses in Mariana and Brumadinho.

91. In this respect, in 2021, public hearings were carried out by the Office of the Federal Attorney for the Rights of Citizens (PFDC, in Portuguese) to discuss the theme "Establishment of the National Policy on the Rights of Populations Affected by Dams (PNAB, in Portuguese)", addressed in Bill n. 2,788/2019. The goal was to collect comments from academic, civil society and governmental representatives to support the preparation of a technical report about the bill.

92. In 2021, the Public Prosecutor's Office in Minas Gerais (MPF/MG, in Portuguese) gathered with leaders of those affected by the Samarco dam collapse in November 2015 in Mariana (MG), and the Vale dam collapse in January 2019, in Brumadinho (MG). In these meetings, there was a request for effective participation of those affected in the process to renegotiate the agreement in the case of Samarco, under way before the National Council of Justice, and in the conclusion of Annex I.1 of the judicial agreement of February 4th, 2010, in the case of Brumadinho. A new proposal was prepared and will be taken to the negotiation table.

93. Finally, it is important to note that preventive measures haven been taken in mining regions in Minas Gerais along with extractive companies regarding plans for rainy season, performance assessment of the drainage system, registered anomalies and pathologies, as well as actions to be adopted for the maintenance and monitoring of the mining structures.

### **Public security, fight against torture, justice system and fight against forced labor**

94. As part of an effort to better adjust to international regulations and best practices on the prevention and repression of terrorism, Brazil has enacted Law n. 13,810/2019, regulated by Decree n. 9,825/2019. This law provides for the compliance with sanctions imposed by the United Nations Security Council, including the freezing of assets of natural and legal persons, as well as entities, and the national designation of people investigated or accused of terrorism, its financing or acts related to it.

95. This legislation regulates provisions related to the fulfilment of Security Council Resolutions n. 1,267 (1999), as well as Resolution 1,373 (2001), in line with Recommendation n. 6 from the Financial Action Task Force against Money Laundering and Terrorist Financing (FAFT-GAFI).

96. Regarding the prevention of torture and cruel or inhuman treatments, Resolution n. 414 of September 2021 stands out, as it establishes guidelines and forensic aspects for the assembling of evidence in the exam of possible victims of torture and other cruel, inhuman or degrading treatment, according to the Istanbul Protocol standards.

97. The publishing of the Handbook to Prevent and Combat Torture and Mistreatment in Custody Hearings is also relevant. Prepared with technical support from the United Nations Office on Drugs and Crimes (UNODC) and the Association for the Prevention of Torture (APT), it presents recommendations, practices and procedures to conduct a custody hearing, fully observing the rules and principles set by CNJ Resolution n. 213/2015. This resolution provides for the presentation of each arrested person before a judicial authority within 24 hours, also establishing guidelines for preventing and combating torture and mistreatment in custody hearings, according to rules and jurisprudence on the subject.

98. The National System for the Prevention of and Combat to Torture in Brazil is structured around the following agencies: the National Committee for the Prevention of and Combat to Torture, the National Mechanism for the Prevention of and Combat to Torture, the National Council on Criminal and Prison Policy and the National Prison Department. It can also be integrated by other agencies on a voluntary basis.

99. It should also be stressed that the Federal Supreme Court decided, in 2022, to reinstate the remuneration of the experts of the National Mechanism for the Prevention of and Combat to Torture, created in 2013, which, it bears repeating, has always been operational, with all the necessary support and resources to function.

100. Apart from the abovementioned measures to fight forced labor, on October 6th, 2021, Ordinance n. 3,484 established the National Procedures to Support Victims of Forced Labor in Brazil. This document was prepared over two years by the National Commission for the Eradication of Slave Labour (CONATRAE, in Portuguese), in partnership with state commissions and the ILO Office in Brazil, and with the involvement of several other public entities and civil society organizations. This document focuses on the care to the victim, through an integrated approach.

## **Right to health, housing and education**

101. The Ministry of Health (MS, in Portuguese) has actively worked to strengthen Primary Health Care (APS, in Portuguese), including through the investment in resources, in light of its crucial role as an entry point into the health system, where health actions are organized. Especially when it comes to women's health and prenatal care, it is in the APS that people come in contact with family health teams. Moreover, maternal and fetal disease prevention and early detection of diseases are carried out in the APS, fostering the healthy development of the baby and the reduction of problems during pregnancy, childbirth, and puerperium.

102. The recent Ministry of Health Ordinance n. 102, of January 20, 2022, established that Family Health Strategy teams are to be paid according to performance. The following prenatal and women health care indicators are to be observed: (i) Proportion of pregnant women that have attended at least six prenatal consultations, given that the first one took place until the 12<sup>th</sup> pregnancy week; (ii) Proportion of pregnant women tested for syphilis and HIV; (iii) Proportion of pregnant women that attended dental consultations; and (iv) Proportion of women that underwent cytopathology material collection in the APS.

103. To train the APS teams, the Ministry of Health launched a course to qualify the Family Health Strategy teams to provide low risk pre-natal care. The course is structured in the following key topics: clinical management of pregnancy; Syphilis diagnosis, treatment and follow-up during pregnancy; cervical cancer prevention and control; dental pre-natal care; and interventions on site: management practices and services focused on shared and holistic care.

104. With relation to women's health, and considering the importance of reducing maternal mortality, the Ministry of Health has published recommendations for the monitoring of and adoption of precautionary measures by pregnant women and those who have recently given birth due to the potential risks derived from the Covid-19 pandemic.

105. In addition to the information regarding the National Comprehensive Health Policy for the Black Population, the Ministry of Health monitors the Comprehensive Health Policy for Countryside and Forest Populations, with the goal of improving the health of these groups, through initiatives that acknowledge gender, race and ethnic specificities, in order to expand access to health services. It also aims to reduce health risks arising from work processes and agricultural technological innovations, improving their overall health indicators and quality of life.

106. Moreover, the Ministry of Health's Ordinance n. 4,384, of December 28th, 2018, established the National Comprehensive Health Policy for Romani People, aimed at expanding the access of this group to health services, including by strengthening health networks that serve Roma women and children.

107. On HIV policies, in June 2021, the Political Declaration on HIV and AIDS was adopted in New York, in the opening of a High-Level Meeting on this subject. This declaration is the guiding document for the development and implementation of national HIV policies.

108. The focus of the Global Strategy passed by the UNAIDS Programme Coordinating Board, in March 2021, is to reduce inequalities, prioritizing people who are not able to access health services and fostering the removal of structural barriers that prevent access to these services. Brazil, as member of this Board, considered, during the preparation and approval of the new global strategy, that the strategic priorities and goals proposed in the document were grounded in scientific evidence and in line with the country's historic commitment with HIV policies.

109. Even with the Covid-19 pandemic, Brazil was able to keep offering antiretrovirals and preventative supplies against the new coronavirus without shortages of any kind. Brazil was also able to respond to requests of humanitarian donations of antiretrovirals and rapid tests to Latin America and Caribbean countries. In this regard, in 2020, Brazil donated antiretrovirals and rapid HIV tests to eight countries in its region. In 2021, ten countries received such donations. The Brazilian universal healthcare system was essential to make this possible.

110. In 2020 and 2021, during the Covid-19 pandemic, the distribution of HIV self-tests was expanded all over the country, with the goal of avoiding the interruption of HIV testing, on account of the mobility restrictions arising from the pandemic.

111. In 2020, 88% of the people living with HIV in the country were aware of their diagnosis. This was possible due to a widespread use of different testing strategies, including an expansion in the use of rapid tests, the offer of HIV peer testing, an allowance of testing by non-professionals that received training outside health facilities, the use of self-tests, as well as the introduction of HIV testing in primary health care. The government continued to invest in awareness campaigns.

112. Since the beginning of the pandemic, the Ministry of Health has monitored, monthly, strategic indicators that measure the pandemic impact on the assistance to people living with HIV. The results are available on <http://antigo.aids.gov.br/pt-br/painelcovidHIV>. Data from Medication Logistic Control System – which encompasses all people living with HIV in treatment in Brazil – show that the number of people in treatment in the country did not decrease.

113. Regarding the National Program for Human Rights Education, MMFDH has been implementing the National Program for Continued Human Rights Education (PNEC\_DH, in Portuguese), through the Government's Virtual School. It offers courses about human rights in a non-formal setting and through distance learning. The courses<sup>2</sup>, which have been made available since 2018, had more than 660,000 people enrolled until February 2022.

114. Besides that, Brazil, through the National Council of Justice, has been training magistrates and public servants of the judiciary branch on the subject of human rights education. In this regard, a Monitoring and Inspection Unit of Decisions and Deliberations of the Inter-American Court of Human Rights was established within the Council.

115. Its duties are to promote, train, and propose activities, events and training courses, including in partnership with magistrate schools, to raise awareness of the role to be played by judges and other public servants of the judiciary branch as agents responsible for promoting human rights. The National Judiciary Pact for Human Rights, one of the outcomes of these initiatives, consists of a series of actions toward the strengthening of a human rights culture in the judiciary branch.

#### **IV. Key national priorities**

116. During the third cycle, human rights policies implemented by Brazil were oriented towards securing essential rights for those most vulnerable. Among the groups targeted by public policies, women, children and adolescents, the elderly, traditional people and communities and people with disabilities stand out.

117. During the Covid-19 pandemic, these groups were among the more than 68 million Brazilians directly and primarily assisted by the Emergency Aid, which sought to mitigate the financial effects of the pandemic on people and families. It is worth recalling, in this regard, that mothers who were the heads of their household received twice the amount of the financial aid, in light of their higher vulnerability.

118. Since the beginning of the Covid-19 pandemic, Brazil has engaged in protecting the most vulnerable groups, especially indigenous people, through the mobilization of 34 Indigenous Special Health Districts and the establishment of access restrictions in indigenous communities. Other relevant measures adopted were the emergency hiring of doctors and nurses, the setting of quick response teams, and the purchase and distribution of personal protective equipment, tests, medications, and ventilators.

119. With respect to the Covid-19 vaccination, in February 2022, 85% of the Brazilian population was already fully vaccinated. In this regard, it should be noted that more than 380 million vaccine doses were distributed freely in Brazil, prioritizing those most vulnerable, including indigenous peoples, the majority of which is already completely immunized. The vaccination campaign is ongoing, to deliver booster shots to the population already vaccinated and to vaccinate children.

120. Contingency plans were implemented to deal with the detrimental consequences of the Covid-19 pandemic. In this regard, measures as the following were taken: (i) assistance in the repatriation of Brazilian citizens who were not able to return to the country; (ii) strengthening of food security through the distribution of food baskets; (iii) disseminating accessible channels for reporting human rights violations and domestic violence; (iv) expansion of investment in public services to women who are victims of violence and their families; (v) mapping, guidance and distribution of supplies to long-stay institutions for the elderly; (vi) sheltering of homeless people; and (vii) launching of the National Strategy for the Strengthening of Family Bonds and the preparation and publishing of educational handbooks for families with guidelines to strengthen family bonds during the lockdown period.

121. At the same time, the National Program on the Search for Missing Persons was established, with the creation of a national registry and a genetic profiles bank.

122. At least 11 thousand requests to the Amnesty Commission were examined. All these actions were presented to the Committee on Enforced Disappearances during the third cycle, both in the national report to the related Convention and in the constructive dialog between the State and members of the Committee, which acknowledged the country's progress in this subject.

123. Moreover, as a cross-sectional initiative, the program "Embrace Marajó" was implemented. With the goal to reconcile a sustainable territorial development with human rights protection, the federal government made 110 commitments to create jobs, foster socioeconomic development, and promote the improvement of education and health in the Marajó region.

124. The National Plan for the Primary Prevention of Early Sexual Risk and Adolescent Pregnancy contributed to reduce early pregnancy in Brazil by 18% per year since 2019.

125. Significant decline was also registered in the number of children and adolescents that died as a result of assault. In this case, the average decline was of approximately 40% in the last 3 years. In this respect, it is also important to mention the decline in the homicide rate in Brazil in the last years, including of women.

126. The National Ombudsman Office for Human Rights has expanded and diversified its service channels. Currently, human rights violations can be reported through phone, electronic mail, online chat, website, WhatsApp, Telegram, smartphone applications, including one specifically designed for children and adolescents, and in Brazilian Sign Language (Libras) via video call with an attendant. The hotlines are also available to Brazilians living abroad.

127. The complaints received are screened and forwarded to the competent authorities to safeguard the promotion and protection of human rights, as well as guarantee accountability for human rights violations, within a maximum period of 24 hours. More than 9 thousand complaints are received every day, which are categorized according to the affected public. The disaggregation of data in the Ombudsman Office has enabled better policy-making to protect the human rights of the Brazilian population.

128. Finally, it should be mentioned that Brazil signed the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family. It has also regulated the Marrakesh Treaty at the end of 2021 and enacted, in 2022, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

## **V. Capacity building, technical assistance and support: expectation and demands**

129. During the 3<sup>rd</sup> cycle, the Brazilian government has worked intensely to reinforce the productive cooperation with the United Nations treaty bodies. For this purpose, it has established a National Mechanism for Reporting and Follow-up<sup>3</sup>, which has worked in the preparation of reports<sup>4</sup> that were due, in the timely submission of new reports and in the establishment of a widely participative process of UPR implementation and monitoring, including with the presentation, for the first time ever, of a mid-term report to the mechanism.

130. Brazil has participated, in this sense, in the regional consultations fostered by the Office of the United Nations High Commissioner for Human Rights and has implemented the recommendations provided by UN booklets and manuals regarding the preparation of reports to treaty bodies. Likewise, public consultations were held as a mandatory stage in the process of submitting reports to international institutions. Whenever a report is finished, the government reaches out to the Country's Office to request assistance in publicizing it, in order to increase the reach of the document. It is worth recalling that this support is necessary.

131. Since 2020, the MMFDH has included in its policymaking the compliance with UPR recommendations as a criterion, in a way that each Department of the Ministry is expected to include the recommendations related to its thematic area in the planning of actions for the next year. Therefore, over the past years, the policies developed were in line with the UPR recommendations received by Brazil, demonstrating Brazil's full commitment with the mechanism.

132. These actions respond to the provisions of item VIII from Article 3 of Decree n. 10,883, which establishes that the federal executive branch is responsible for coordinating the preparation of the country's reports for the UPR mechanism.

133. The government expects to count on the UN support in the 4<sup>th</sup> cycle, through collaboration in capacity building, technical assistance, and overall support, notwithstanding the progress already made with other branches of the State (legislative and judiciary) regarding initiatives carried with both of them.

*Notes*

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- <sup>1</sup> The year of 2020 was atypical in relation to the volume of food donated, which expanded 57% in comparison with 2019.
- <sup>2</sup> The courses currently available on PNEC\_DH are: Accessibility in public spaces in Brazil; Accessibility in public buildings; Accessibility in Urban Spaces; Accessibility in Communication; Access to Fundamental Rights: an Indigenous approach; Right to Identity, Citizenship and Documentation; Right to Protection for Crime Victims; Rights and Healthcare of the Elderly; Immigrant Rights and guidelines on public services; Human Rights as a tool for combating corruption; Human Rights: A Universal Declaration; Human Rights Education; Businesses and Human Rights; Training in Public Policies for the Youth; Training to Volunteers of the United Mothers Project; Formalization of Religious Organizations in Brazil; Rights and Care to the Elderly; Introduction to Brazilian Sign Language; Religious Freedom and the Secular State Basic Notions in Work-Family Balance; The Role of Therapeutic Communities in the Protection of Human Rights; Ethnic-Racial Policies: Notions and Methodology for Overcoming Racism and Inequalities; Homeless People and the Housing First Model; Promotion of the Rights of Homeless People; Human Rights Protection: Torture Prevention and Prohibition; and Save a Woman.
- <sup>3</sup> The information about the Brazilian NMRF was provided in August 2021, in response to the Office of the United Nations High Commissioner of Human Rights questionnaire, according to Human Rights Council Resolution n. 42/30.
- <sup>4</sup> Since 2019, Brazil has submitted reports to the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, besides from an updated version of the Common Core Document. Brazil has also expressed interest in presenting, in the simplified procedure, its next report on the Convention on the Rights of Persons with Disabilities.
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