



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Brazil and welcome your constructive engagement and that of your Government during the 27th session of the UPR Working Group in early May 2017.

As the final outcome report on the review of Brazil was recently adopted by the Human Rights Council at its 36th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation on Brazil and the summary of stakeholders' submissions on Brazil – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 103 countries, Brazil's presentation and responses, and the action taken by the Government to implement the 169 recommendations it accepted during the second UPR cycle. The areas cover a range of issues and are set out in the annex to this letter.

I would like to highlight one area that was raised during the review of Brazil and which I am particularly encouraged by: the fight against all contemporary forms of slavery, through the constitutional amendment allowing the expropriation of properties, the publication of the "dirty list", the work of the Special Mobile Inspection Group (GEFM), as well as the National Plan for Eradication of Slave Labour. I encourage Brazil to extensively share this good practice with other countries.

I encourage Brazil to develop a national human rights action plan in order to achieve concrete results in the areas contained in the annex and to facilitate Brazil's preparations for the fourth cycle of the UPR. The development of the national human rights action plan should include consultations with all stakeholders, in particular civil society organisations, and, where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

I also encourage Brazil to strengthen its national mechanism for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Brazil the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

H.E. Mr. Aloysio Nunes Ferreira
Minister of Foreign Affairs
Brazil



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. In this regard, I encourage Brazil to submit such a report for the third cycle, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Brazil to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc.: Ms. Luislinda Dias de Valois, Minister of Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Strengthen the normative framework, ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communication procedure; and relevant ILO Conventions.

National human rights framework

- Strengthen the National Human Rights Council, in accordance with the Paris Principles, providing enough resources and enhancing its independence to effectively carry out its functions.¹

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Take further and strengthened measures aimed at eliminating forms of ethnic and racial discrimination and to adopt specific legislation sanctioning discrimination and incitement to violence on the grounds of sexual orientation and gender identity.

B. Civil and political rights

Right to life, liberty and security of person

- Strengthen measures aimed at preventing forms of police violence and effectively investigating cases of unlawful killings, violence, abuse, torture and other forms of ill-treatment and corruption involving police, security forces and prison personnel;
- Introduce further mandatory human rights training programs for police, security forces and prison personnel with a view to enhancing compliance with relevant human rights norms both in law and in practice – for instance, through revisions in codes of conduct; implementing regulations; standing orders; content of manuals for professional schools; and strengthened internal accountability systems;
- Take further measures aimed at improving the conditions of prisons and other detention centres at federal and state levels, addressing problems such as overcrowding and degrading conditions, sanitation, violence and medical and

¹ In this connection, capacity development programs could be developed with the support of OHCHR, UNDP and GANHRI through its Regional Coordinating bodies, such as the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas.



psychological care; including the consolidation of national and local preventive mechanisms against torture in line with OPCAT.²

Administration of justice, including impunity and the rule of law

- Strengthen the judicial system with measures such as, minimizing the length of pre-trial detention, extending alternative sanctions, expanding the custody hearing programs, further strengthening the public defence system and providing specific training programs to judges and public prosecutors in accordance with relevant international human rights instruments.³

Fundamental freedoms and the right to participate in public and political life

- Promote the further implementation of the National Program for the Protection of Human Rights Defenders, -including journalists, indigenous and environmental leaders- through the adoption of concrete measures, such as a specific legal framework.

C. Economic, Social and Cultural Rights

Right to health

- Strengthen efforts aimed to provide inclusive, quality and accessible health and hospital services with emphasis on vulnerable groups;
- Ensure universal access to reproductive health care, including high quality prenatal care and sexual and reproductive health.

Right to education

- Take measures for improving the quality of public education –including intercultural education-, ensuring inclusive education, and continue funding the implementation of the National Education Plan 2014-2024.

Right to an adequate standard of living

- Continue to strengthen and improve the Bolsa Familia Program and other social programs for inclusion and poverty reduction. Further implement rural development plans, ensure adequate housing and address challenges of water and sanitation.

D. Rights of specific persons or groups

Women

- Strengthen measures aimed at combatting and eliminating violence against women at national and state levels;

² In this regard, the Subcommittee on Prevention of Torture has adopted Guidelines on national preventive mechanisms, Analytical Assessment tool for national preventive mechanisms and the NPM Assessment Matrix.

³ OHCHR has a number of Manuals for judges, lawyers and prosecutors that could be used in ensuring they would act fully taking into account relevant human rights norms.



- Continue with the implementation of the program “Women living without Violence” with attention to women living in the countryside and women and girls of Afro-Brazilian descent;
- Further strengthen the capacity of judges, law enforcement officials and public prosecutors in addressing cases of violence against women, through targeted protocols and programs.

Minorities and indigenous peoples

- Adopt further effective measures and policies aimed at promoting and ensuring the rights of Afro-Brazilian descendants, and establish mechanisms to eradicate stigma and discrimination, including awareness raising among public officials, accountability and mechanisms for redress;
- Establish effective consultation with indigenous peoples in all legislative and administrative measures affecting them; adopt an effective plan of actions for the demarcation and protection of indigenous lands, and provide the necessary financial resources to ensure a policy for the protection of the rights of indigenous peoples and to prevent related conflicts.