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Brazil Must Show More Commitment to the Protection of Human Rights in the UN Human Rights Council

As President Lula prepares to address the UN Human Rights Council (HRC), Amnesty International urges Brazil to take more principled positions in support of the protection of human rights in the Council.

Brazil's human rights record has improved in important areas since the end of the military regime twenty-four years ago. The changes accelerated following Brazil's adoption of a more open position in relation to the UN human rights monitoring system. The country was among the first to set up a National Human Rights Programme in accordance with the 1993 Vienna Declaration and Programme of Action. It continues to offer a standing invitation to special procedures and has often provided candid responses to human rights treaty bodies and special procedures.

Notable human rights proposals at home accompanied these initiatives. The establishment of programmes to protect some economic and social rights, such as in poverty reduction, combating slave labour and legislation against domestic violence, have brought some advances to parts of the population. Brazil has acknowledged that serious violations such as torture and extrajudicial executions persist across the country; it has recognised this fact in international fora, and made some efforts of limited effect to address them. Of course, beyond the positive discourse, much more remains to be done before all Brazilians enjoy the full panoply of internationally recognised rights.

Brazil's own experience with the UN human rights machinery demonstrates acknowledgement of the value of openness to and support for international human rights monitoring. Therefore it is a matter of perplexity that Brazil could co-sponsor and vote in favour of a draft HRC resolution on human rights in Sri Lanka reaffirming "the principle of non-interference in matters which are essentially within the domestic jurisdiction of States"¹ when in 1993 the Vienna World Conference on Human Rights settled that the promotion and protection of human rights is a legitimate concern of the international community.² It is also difficult to understand that Brazil, on the basis of its own assertion of the principle that it should be possible to discuss any issue in the HRC, abstained in a vote on a no-action motion brought to prevent any consideration of amendments proposed to improve human rights protection in the same draft resolution.³

Brazil's statements of principle in the Human Rights Council in connection with human rights situations in countries, such the Democratic People's Republic of Korea and Sri Lanka, have not been translated into corresponding positions on related HRC resolutions.⁴

¹ HRC resolution S-11/1, second preambular paragraph.

² Vienna Declaration and Programme of Action, part I, par. 4.

³ A/HRC/S-11/2, pars 25, 26, 28 and 33.

While Amnesty International acknowledges the potentially valuable bridging role that Brazil endeavors to play across regions and groups of states in the HRC, this must not come at the cost of taking firm positions in favor of the protection of human rights, particularly in situations of gross and systematic violations. Brazil must not fail itself, and it must not fail the victims of human rights violations.

Amnesty International encourages President Lula to commit Brazil to more vigorous protection of human rights both nationally and internationally, when he addresses the Human Rights Council on 15 June 2009.

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⁴ “Statement by the Permanent Representative of Brazil to the United Nations Office in Brazil in Geneva on the occasion of the 11th Special Session of the United Nations Human Rights Council on the Situation of Human Rights in Sri Lanka” at: [http://portal.ohchr.org/portal/page/portal/HRCExtranet/11thSpecialSession/OralStatements/260509/Tab2/Brazil%20\(en\).pdf](http://portal.ohchr.org/portal/page/portal/HRCExtranet/11thSpecialSession/OralStatements/260509/Tab2/Brazil%20(en).pdf). Brazil voted in favour of HRC resolution S-11/1 and abstained on the no-action motion to preclude consideration of amendments (Supra, notes 1 and 3). Intervention by Brazil on the Democratic People’s Republic of Korea, 26 March 2009 at: <http://portal.ohchr.org/portal/page/portal/HRCExtranet/10thSession/DraftResolutions/AHRC10L.27/Tab1/Brazil.pdf>. Brazil abstained on HRC resolution 10/16 on the situation of human rights in the DPRK. Also at the tenth session of the HRC, Brazil voted in favour of a procedural motion to place consideration of one draft resolution on the human rights situation in the Democratic Republic of Congo ahead of another stronger resolution on the same topic and then abstained on amendments proposed to improve the human rights protection in the weaker draft resolution. See: <http://portal.ohchr.org/portal/page/portal/HRCExtranet/10thSession/DraftResolutions/AHRC10L.1> and <http://portal.ohchr.org/portal/page/portal/HRCExtranet/10thSession/DraftResolutions/AHRC10L.3>.