

BRAZIL: HUMAN RIGHTS UNDER ASSAULT

AMNESTY INTERNATIONAL: SUBMISSION TO THE 41ST SESSION OF THE UPR WORKING GROUP, 7 – 18 NOVEMBER 2022

SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Brazil between 7 and 18 November 2022. In it, Amnesty International evaluates the implementation of recommendations made to Brazil in its previous UPR, including in relation to preventing and combating torture, promoting racial equality, ensuring Indigenous peoples' rights, reforming public security, and ending extrajudicial killings.

It also assesses the national human rights framework regarding participation and civic spaces, criminal justice reform, and human rights policies and programs aimed at the protection of groups at risk.

Regarding the human rights situation on the ground, Amnesty International raises concerns about the dismantling of human rights bodies, programs, and policies. While the Brazilian government has failed to ensure a minimum human rights framework, human rights violations and levels of violence have reached record numbers in recent years. Police abuses, killings and other attacks against human rights defenders are completely out of control in a country where the possession of firearms is climbing sharply. The State's lack of action to protect people facing structural discrimination has been coupled with the spread of dissemination of disinformation and hostility to target specific people and groups. Land grabbing and environmental destruction are encouraged by public officials. Human rights policies are being intentionally razed, undermining the country's future with a particularly dire impact on black youth, black women, black and Indigenous children, among others.

It ends with a set of recommendations to Brazil which, if implemented, could contribute to improving the human rights situation in the country.

FOLLOW UP TO THE PREVIOUS REVIEW

1. During the last review, Brazil accepted recommendations to consolidate national and subnational preventive mechanisms against torture and expand the application of custody hearings.¹ However, the government's measures as Presidential Decree No. 9,831/2019,² have been promoting a serious dismantling of the National Preventive Mechanism.³ Although custody hearings are now heard in state and federal courts, torture remains widespread and widely underreported.⁴ There is a lack of investigative procedures to hold perpetrators accountable.⁵
2. Brazil accepted recommendations to speed up the Indigenous land demarcation process, establish effective consultation, protect Indigenous peoples from violence and provide an adequate standard of living to them, especially to Indigenous children.⁶ Brazil's poor performance regarding Indigenous and quilombolas'⁷ land demarcations has led to an alarming growth of conflicts, land invasions and uncontrolled killings and attacks against traditional peoples.⁸ Disastrous government action during the Covid-19 pandemic severely impacted the right to life and health of Indigenous peoples and quilombolas.⁹ The government's failure to address the severe malnutrition of the Yanomami people's children and provide adequate medical care is annihilating this Indigenous people's future.¹⁰
3. Brazil accepted recommendations regarding reducing, preventing, and investigating cases of police abuses, combating impunity and ending extrajudicial executions.¹¹ Yet, no progress has been made in reducing unlawful killings by security forces.¹² Although the National Council of the Public Prosecutor's Office established guidelines for the performance of prosecutors regarding external control of police activity,¹³ there is no national monitoring or standardization for the role of the Public Prosecutor's Office in this matter. There are no effective mechanisms for civil society oversight of police activity.¹⁴
4. Brazil accepted recommendations to improve its prison system and protect vulnerable groups deprived of their liberty,¹⁵ but prison conditions remain appalling. Slight progress was achieved with the regulations of the National Council of Justice aimed at reassuring minimal human rights standards for law enforcement,¹⁶ but their implementation requires close monitoring to ensure enduring improvements in practice.
5. The rights of quilombolas were inadequately addressed in the last review. More specific recommendations are needed to highlight the situation of quilombolas as a group specifically affected by land disputes in Brazil. This approach requires explicit recommendations regarding violence stemming from land conflicts; right to free, prior and informed consent; and defense of quilombolas' land rights.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

6. Some 10 Draft Bills currently under consideration of the National Congress would increase surveillance and policing of human rights defenders under the guise of national security. Bill No 272/2016 and Bill No 1595/2019 are particularly worrying as both use broad concepts of "terrorism" to criminalize social movements.¹⁷
7. Other Draft Bills would increase deforestation and other predatory actions on traditional peoples' lands.¹⁸
8. Some laws recently approved may have a particularly negative impact on the already high rates of incarceration and violence. The Anti-Crime Law¹⁹ creates a harsher regime progression for persons deprived of liberty, contradicting the movement towards alternatives to prison. Some executive decrees and Draft Bills aim at making possession and transport of firearms more flexible.²⁰ In the last three years, the number of gun licenses has grown by 325%, putting at greater risk those people already disproportionately affected by gun violence, particularly young black men.²¹
9. Law 13.491/2017, expanded the jurisdiction of the military justice to investigate, prosecute and judge crimes, including against life, as well as abuse of authority, torture and possession of weapons, committed by officers of the armed forces against civilians, during operations for guaranteeing law and order.²²

10. Human rights policies and programs are being progressively dismantled. There is a consistent pattern of discontinuation of bodies, significant alteration of responsibilities, budget reduction, and low allocation of funding.²³ Such changes have been carried out without consulting civil society.²⁴

THE HUMAN RIGHTS SITUATION ON THE GROUND

Extrajudicial Executions

11. The so-called “war on drugs” continues to be used as a pretext for militarized police operations, marked by high levels of violence and deaths. In 2020, the number of people killed by police officers hit a record - 6,416 deaths, of which almost 79% were Black people.²⁵ Between 2017 and 2019, police officers killed at least 2,215 children in the country.²⁶ In Rio de Janeiro, Ágatha Felix, 8 years old, and João Pedro²⁷, 14 years old, were killed in police raids in 2019 and 2020, respectively.²⁸
12. Brazil has been failing to implement recommendations regarding reducing gun violence and taking steps to prevent violence against Afro-descendants.²⁹ Black men are the main victims.³⁰ In the first two months of 2022, three Black men were killed by private actors in the state of Rio de Janeiro: Moïse Kabagambe, 24 (a Congolese refugee); Durval Teófilo Filho, 38; and Hiago Macedo, 22.

Land disputes, Indigenous peoples and climate justice

13. Between August 2020 and July 2021, Amazon deforestation reached its highest rate since 2006 (13,235 km²).³¹ Particularly linked to increasing deforestation, Brazil's greenhouse gas emissions grew by 9.5% in 2020, the highest emissions level since 2006.³² 2020 was a year of catastrophic fires, especially in the Pantanal region, while 2021 was hit by devastating floods. These phenomena disproportionately affect groups already facing structural discrimination.³³
14. 2020 was a year with a record number of land disputes. 2,054 situations were identified, involving almost 1 million people affected. Invasions, illegal exploitation and damage on Indigenous territories increased, and illegal intruders were registered in the lands of 145 Indigenous peoples.
15. 2020 saw an alarming 182 killings of Indigenous peoples.
16. In the state of Maranhão, between mid-2021 and early 2022, five people from traditional peoples and rural workers were killed as a result of land conflicts and the agribusiness action over traditional territories. 2020 saw an uptake of violence against journalists, with 428 attacks – including two killings.³⁴

Repression of dissent

17. Investigations opened by the Federal Police against critical voices and based on the National Security Law increased by 285% since 2019³⁵. In 2021, the National Security Law, in place since the military dictatorship and widely used for the prosecution of political opponents, was replaced by Law No. 14197.³⁶ Although Law No. 14197 is intended to protect the rule of law and democratic institutions, it could also be misused to target and harass activists and social movements at the discretion of judicial authorities and law enforcement officials.
18. The current government has consolidated a trend towards surveillance, policing, investigations, criminalization and preparation of dossiers against the leaders of social movements, government critics, and political opponents, as well as Indigenous leaders.^{37, 38} The harassment against Indigenous leaders Sonia Guajajara and Alessandra Munduruku are emblematic in this regard.^{39, 40}

Human Rights Defenders

19. Brazil has failed to implement an adequate public policy to protect human rights defenders at risk.⁴¹ According to OHCHR, Brazil had the second-highest number of killings of defenders between 2015 and 2019.⁴² The Brazilian program to protect defenders has not introduced any mechanisms for the meaningful participation of civil society; has not yet managed to minimally develop a comprehensive policy of protection that includes gender and racial perspectives and the needs of groups and collectives; and has failed to ensure the implementation of state-level protection programs.⁴³
20. The notorious killing in 2018 of Marielle Franco and her driver highlights the obstacles faced in accessing justice and reparations. Two men were charged with carrying out the killings. However, four years after the attack, investigations have yet to establish who ordered the killings.

Criminal justice

21. Brazil has 322 inmates per 100,000 inhabitants and a shortfall of 241,652 prison places. Also, the data show a slight drop in the incarceration rate per 100,000 inhabitants and in the rate of prisons' overcrowding. Pretrial detention can be extended indefinitely.⁴⁴ In 2021, 31.9% of the total prison population was in pretrial detention.⁴⁵ In 2020, 66.3% of the people deprived of their liberty identified as Black and 48.6% were between 18 and 29 years old.⁴⁶
22. The lower vaccination coverage of people in detention against Covid-19, even though this group appears as a priority group in the government's vaccination plan, is deeply concerning.⁴⁷
23. Between 2017 and 2019, at least 259 inmates were killed in prison riots, with more than 100 in 2019 alone.⁴⁸
24. Official recommendations on the treatment of LGBTI people in prisons have been widely ignored.⁴⁹ Episodes of torture, sexual violence, and lack of an adequate structure to guarantee the rights of these persons were reported.⁵⁰
25. A substantial number of women with children, pregnant women, and caregivers do not have access to home arrests or other alternatives to prison, as they are entitled to by law.⁵¹

Economic and social rights

26. The Covid-19 pandemic has demonstrated how the government has failed to guarantee an adequate standard of living for certain groups facing structural discrimination.⁵² An estimated 120,000 Covid-19 deaths could have been avoided by March 2021 had the federal government's decision-making been based on scientific evidence and concerted political efforts.⁵³ During the sanitary crisis, some 55.2% of Brazilian households were in a situation of food insecurity by December 2020.⁵⁴ Black women, who already represented the largest share of the population living in poverty before the health crisis, were also the most affected by the increase in poverty, decline in income, unemployment, food insecurity and hunger.⁵⁵
27. In June 2021, 14.7 million people were living in extreme poverty.⁵⁶ With the end of the Covid-19 emergency aid and the replacement of the "Bolsa Família" program with the "Auxílio Brasil" program in November 2021, an estimated 29 million people were left without any alternative financial assistance.⁵⁷ Informal work has grown at a greater rate than the number of formal jobs leaving more people vulnerable to socio-economic insecurity.⁵⁸ In November 2021, at least 120,000 families were at risk of being forcibly evicted.⁵⁹
28. Beyond these general trends the standard of living of the Afro-descendant population is further exacerbated by a diverse and significant set of structural obstacles.⁶⁰ Even minimal respect for their rights has been jeopardized by the complete dismantling of racial equality policies.⁶¹

Violence against LGBTI persons

29. The lack of transparency, disaggregated and integrated data on the LGBTI population in public policies and in public security agencies undermine accurate data collection regarding the human rights situation of LGBTI

persons. 140 killings of transgender people were reported in 2021,⁶² and 50% of the LGBTI population targeted by violence is Black.⁶³

Women's rights

30. In 2020, 1350 women were victims of femicide in Brazil, 34,5% of the homicides of women.⁶⁴ Black women have been severely affected by gender-based violence. 61,8% of women victims of femicide in 2020 were Black. In 2021, policies to promote women's rights suffered a budget reduction with very low resource allocation to combat violence against women.⁶⁵
31. Black women experience higher rates of maternal mortality and morbidity, which have disproportionately increased during the Covid-19 pandemic. Since the beginning of the pandemic, there were 1,114 maternal deaths of Black women, amounting to 77% more deaths compared to the maternal deaths among white women,⁶⁶ while Black women comprise 50% of the overall female population.⁶⁷ Brazil is experiencing a crisis in the provision of lawful abortion services, deepened by the Covid-19 pandemic, which resulted in the majority of services being halted.⁶⁸

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Brazil to:

Extrajudicial executions

32. Implement a plan, with concrete goals, milestones, and allocation of resources to reduce police lethality, gun violence and extrajudicial executions in the country, considering regional disparities and differences between states.
33. Approve Bill of Law No 4471/2012, as Brazil accepted to do previously, which amends the Code of Criminal Procedure and establishes procedures to guarantee the proper investigation of crimes resulting in violent death that involve law enforcement officials.
34. Ensure the effective monitoring and standardization of systems of external control of police activity in Brazilian states and establish civil society oversight mechanisms to curb the unnecessary and excessive use of force by the security forces.
35. Ensure that a full, independent, prompt and impartial investigation of all killings resulting from police intervention is carried out, in order to enable those involved to be brought to justice in fair trials.
36. Ensure that the Military Police adopts – and makes public – operational protocols for the use of force and firearms through clear and well-defined criteria that comply with the international guidelines and standards, banning the use of rubber bullets in demonstrations and giving periodic training to police officers in the adoption of those protocols.
37. Strictly control the use of high-powered firearms (such as rifles) and automatic weapons during police operations in favelas and other densely populated urban areas, in line with international standards on the use of force.

Land disputes, Indigenous peoples and climate justice

38. Implement a plan, with concrete goals, milestones, and allocation of resources to speed up and complete Indigenous and quilombola peoples' land demarcation processes, and to combat deforestation, including restructuring public bodies responsible for implementing deforestation and climate change policies.
39. Reject the introduction of any legislative or executive proposition that undermines the right to free, prior and informed consent and guarantee adequate consultation and full participation of quilombola, Indigenous and other traditional peoples in all legislative and administrative measures affecting them.

40. Adopt policies to strengthen Indigenous and environmental protection agencies, including with financial and human resources, to enable them to enforce legislation and step-up monitoring and patrol of Indigenous territories and environmentally protected areas, as well as to ensure the safety of government officials.
41. Refrain from approving bills that would “regularise” predatory actions in Indigenous and quilombolas lands, as well as any other bills that weaken legal protection of Indigenous/quilombolas territories, reserves and other environmentally protected areas.

Repression of dissent

42. Issue clear and well-defined guidelines to security forces, judges, and prosecutors so that Law No. 14197/2021 is not used for the purpose of prosecuting critical voices.

Human Rights Defenders

43. Enforce the federal court ruling that ordered the federal government to draw up a national plan for the protection of defenders at risk, with the meaningful participation of civil society⁶⁹.
44. Review the human rights defenders' protection program and its regulations to ensure wider participation of civil society and guarantee that protection measures are comprehensive, including individual and collective needs, as well as gender and racial perspectives.
45. Ensure that threats and attacks against human rights defenders are promptly and thoroughly investigated, with special attention to Indigenous, quilombolas and other traditional leaders and that those responsible are brought to justice in fair trials.

Criminal justice

46. Strengthen national prevention mechanisms against torture, ensuring their functionality, with proper allocation of personnel and resources, as well as reinforce their independence.
47. Ensure that justice operators enforce Law No. 13,769/2018, which establishes the right to house arrest for pregnant women, women with children, or caregivers, including during pretrial detention.
48. Follow up and monitor the concrete results produced by the resolutions and recommendations from the National Council of Justice that establish human rights standards for criminal judicial policy.
49. Ensure that pre-trial detention is only ordered as an exceptional measure, based on an individualized determination that it is reasonable and necessary.

Economic and social rights

50. Ensure adequate and effective economic recovery measures for the groups in the most vulnerable situation, including cash transfer programs and additional direct support for small businesses.
51. Ensure greater resource allocation for the public health system and for social protection mechanisms that guarantee equality and non-discrimination and access to essential services for all.
52. Ensure the right to an effective remedy for all human rights violations arising out of the Covid-19 pandemic response through credible, transparent, independent and impartial investigations, promoting accountability and learning lessons to ensure that any failure to adequately defend human rights is not repeated in any future wave of the Covid-19 pandemic, or in any other epidemic or pandemic.

Violence against LGBTI persons

53. Establish mechanisms to protect LGBTI people against all forms of violence and discrimination, as Brazil had accepted to do previously, and include their specific needs in measures to reduce the socio-economic impact of the pandemic.
54. Collect disaggregated data on LGBTI people, improving official databases and methodologies to produce socioeconomic indicators and reliable data on violence against LGBTI persons.

Women's rights

55. Take urgent measures to prevent, investigate and prosecute the high number of femicides of Black women.
56. Ensure protection mechanisms, legal aid, and support services for survivors of gender-based violence are sufficiently resourced and accessible to all women and girls who need them without discrimination.
57. Ensure universal access to comprehensive sexual and reproductive health services, as Brazil accepted to do previously, including the full functioning of existing lawful abortion services.
58. Restore and allocate sufficient resources, whilst ensuring proper budgetary implementation of programs and actions aimed at promoting racial and gender equality and combating racism and violence against women, as well as ensuring intersectionality in the planning and execution of public policies.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

Americas: Amnesty International warns on killings of journalists and human rights defenders in first month of 2022, February 2, 2022, <https://anistia.org.br/informe/americas-anistia-internacional-alerta-sobre-assassinatos-de-jornalistas-e-defensores-dos-direitos-humanos-no-primeiro-mes-de-2022/>

Public Statement: Amnesty International Brazil expresses indignation with the killing of a family of environmentalists in state of Pará, January 11, 2022, <https://anistia.org.br/informe/nota-publica-anistia-internacional-brasil-manifesta-indignacao-com-o-assassinato-de-familia-de-ambientalistas-no-para/>

Amnesty International Brazil calls upon rigorous investigation on “Chacina” in Salgueiro Favela, November 23, 2021, <https://anistia.org.br/informe/nota-publica-anistia-internacional-brasil-cobra-investigacao-rigorosa-sobre-chacina-no-complexo-do-salgueiro/>

Amnesty International Brazil Report: Covid-19 and human rights in Brazil: paths and challenges for a fair recovery, December 10, 2021, <https://anistia.org.br/informe/novo-relatorio-covid-19-e-direitos-humanos-no-brasil-caminhos-e-desafios-para-uma-recuperacao-justa/>

Amnesty International Brazil expresses concern about the intensification of violence and persecution against indigenous peoples and their leaders, November 18, 2021, <https://anistia.org.br/informe/a-anistia-internacional-brasil-manifesta-preocupacao-com-a-escalada-da-violencia-e-da-perseguiçao-contr-a-os-povos-indigenas-e-suas-liderancas-no-pais/>

“Chacina” Nova Brasília: Chronic impunity perpetuates cycle of violence and human rights violations, says Amnesty International Brazil, August 18, 2021, <https://anistia.org.br/informe/chacina-de-nova-brasil-impunidade-cronica-perpetua-ciclo-de-violencias-e-violacoes-de-direitos-humanos-afirma-anistia-internacional-brasil/>

Amnesty International Brazil Warn: Bill No 2633/2020 paves the way for human rights violations, August 04, 2021, <https://anistia.org.br/informe/aprovado-na-camara-dos-deputados-o-pl-da-grilagem-representa-um-retrocesso-na-agenda-socioambiental-e-climatica-do-pais-aponta-anistia-internacional-brasil/>

Amnesty International Brazil and Antra calls for investigation and accountability in the case of transphobic violence in Teresina, state of Piauí, July 22, 2021, <https://anistia.org.br/informe/anistia-internacional-brasil-e-antra-cobram-apuracao-e-responsabilizacao-no-caso-de-violencia-transfobica-em-teresina/>

Amnesty International Brazil celebrates the continuance of investigations into the Fallet “Chacina” and will continue to call for holding those involved accountable, July 20, 2021, <https://anistia.org.br/informe/anistia-internacional-exige-o-prosseguimento-das-investigacoes-da-chacina-do-morro-do-fallet/>

Reduction of protected forest areas in state of Rondônia would cause irreversible damage to the environment and to human rights, May 21, 2021, <https://anistia.org.br/informe/reducao-de-areas-protegidas-em-rondonia-pode-causar-danos-irreversiveis-para-o-meio-ambiente-e-para-a-garantia-dos-direitos-humanos/>

Alert Group Report: Preventable deaths from Covid-19 in Brazil, June 24, 2021, http://idec.org.br/sites/default/files/mortes_evitaveis_por_covid-19_no_brasil_para_internet_1.pdf

Killing of João Pedro Matos completes 1 year, and Amnesty International Brazil claims for answers, May 18, 2021, <https://anistia.org.br/informe/assassinato-de-joao-pedro-matos-faz-1-ano-e-anistia-internacional-brasil-exige-respostas>

Jacarezinho “Chacina”: tragic and unjustifiable, May 6, 2021, <https://anistia.org.br/informe/chacina-do-jacarezinho-lamentavel-e-injustificavel/>

Statement of indignation and solidarity: assassination of activist Lindolfo Kosmaski, May 3, 2021, <https://anistia.org.br/informe/em-2020-policiais-no-rio-de-janeiro-mataram-mais-que-a-policia-dos-estados-unidos-alerta-anistia-internacional-brasil/>

Amnesty International Report 2020/21: The state of the world’s human rights, April 7, 2021, <https://www.amnesty.org/en/documents/pol10/3202/2021/am/>

In 2020, Rio de Janeiro Police killed more than United States Police, Amnesty International Brazil warns, January 29, 2021, <https://anistia.org.br/informe/em-2020-policiais-no-rio-de-janeiro-mataram-mais-que-a-policia-dos-estados-unidos-alerta-anistia-internacional-brasil/>

Public Statement: Independent investigation is needed into the killing of the survivor of the Pau D’arco Massacre, January 27, 2021, <https://anistia.org.br/informe/nota-publica-investigacao-independente-para-assassinato-de-sobrevivente-do-massacre-de-pau-darco/>

Attacks on the NGO “Repórter Brasil” are serious violations of the right to freedom of expression and freedom of the press, January 15, 2021, <https://anistia.org.br/informe/ataques-a-ong-reporter-brasil-sao-graves-violacoes-ao-direito-a-liberdade-de-expressao-e-a-liberdade-de-imprensa/>

Increasing deforestation in the Amazon is a direct result of Bolsonaro’s policies, December 3, 2020, <https://anistia.org.br/informe/brasil-o-desmatamento-crescente-da-amazonia-e-resultado-direto-das-politicas-de-bolsonaro/>

Amnesty International Brazil sends letter to Ceará state governor for excessive use of force against peaceful protest, November 20, 2020, <https://anistia.org.br/informe/carta-aberta-ao-governador-camilo-santana-do-ceara-pelo-direito-ao-protesto-pacifico/>

Press Release: Intensification of violence against indigenous peoples reveals serious government failures to human rights in Brazil, December 14, 2019, <https://anistia.org.br/informe/nota-a-imprensa-escalada-de-violencia-contra-povos-indigenas-revela-falhas-graves-do-governo-com-os-direitos-humanos-no-brasil/>

Amnesty International receives with concern news of the arrest of voluntary firefighters (brigadistas) in Alter do Chão (state of Pará), November 26, 2019, <https://anistia.org.br/informe/anistia-interacional-recebe-com-preocupacao-noticia-de-prisao-de-brigadistas-em-alter-do-chao-pa/>

Government failures are feeding Amazon fires, says Amnesty International, August 23, 2019, <https://anistia.org.br/informe/falhas-do-governo-estao-alimentando-queimadas-na-amazonia-diz-anistia-internacional/>

Amnesty International: massacre in prison in the state of Pará reflects an overcrowded prison system and a shattered public security policy model, July 29, 2019, <https://anistia.org.br/informe/anistia-internacional-massacre-em-presidio-no-para-reflete-sistema-carcerario-superlotado-e-modelo-de-seguranca-publica-esgotado/>

Amnesty International warns about the risks of expanding access to firearms in the country, June 26, 2019, <https://anistia.org.br/informe/anistia-internacional-alerta-para-riscos-de-ampliacao-do-acesso-a-armas-no-pais/>

Public Statement: Decree on National Mechanism for Preventing and Combating Torture (Presidential Decree No 9831/2019) expands risks of institutionalization of torture in the country, says Amnesty International, June 13, 2019, <https://anistia.org.br/informe/nota-publica-decreto-sobre-mecanismo-nacional-de-prevencao-e-combate-a-tortura-amplia-riscos-de-institucionalizacao-da-tortura-no-pais-afirma-anistia-internacional/>

Risk of blood spilling in the Amazon unless the government protects indigenous peoples against illegal intruders and loggers, May 7, 2019, <https://anistia.org.br/informe/risco-de-derramamento-de-sangue-na-amazonia-a-menos-que-o-governo-proteja-os-povos-indigenas-contra-o-loteamento-de-terras-e-extracao-de-madeira-ilegal/>

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
Theme: A12 Acceptance of international norms			
136.19 Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Armenia); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms Affected persons:	Not yet implemented.
136.85 Proceed with the enactment of legislation effectively implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at both state and federal level and adopt measures to	Supported	A12 Acceptance of international norms A41 Constitutional and legislative framework	Not yet implemented. The implementation of Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at domestic level is facing setbacks with the edition of Presidential Decree n° 9.831/2019. The National Justice Council (CNJ by its acronym in Portuguese) has issued

adhere to the UN Nelson Mandela Rules (Czechia); Source of position: A/HRC/36/11/Add.1		D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - persons deprived of their liberty - public officials - prison officials	recommendations and resolutions regarding the application of the UN Nelson Mandela Rules to judicial policy. There are still no concrete results of changes in practices among professionals in the criminal justice system.
136.15 Ratify the Arms Trade Treaty and adapt its national legislation to the Treaty (Guatemala); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented. There was the ratification by the Brazilian State. Acts of promulgation and publication of the Executive Decree are pending.
136.18 Ratify the Kampala amendments to the Rome Statute with a view to contributing to the activation of the jurisdiction of the International Criminal Court over the crime of aggression in 2017 (Liechtenstein); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented.
136.4 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accept the competence of the Committee as regards the inquiry procedure and inter-State communications (Finland); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms B51 Right to an effective remedy E1 Economic, social & cultural rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions	Not yet implemented.

		Affected persons: - general	
136.17 Ratify the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and finalize the domestic procedures to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms D45 Freedom of association E32 Right to just and favourable conditions of work G4 Migrants S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - migrants	Not yet implemented. The International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 is a controversial theme between unions and trade union centers. The Brazilian Constitution establishes union unity on a territorial basis.
136.1 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Albania) (Angola) (Argentina) (Montenegro) (Portugal); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms E1 Economic, social & cultural rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented.
136.2 Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (El Salvador) (Ukraine); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms E1 Economic, social & cultural rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented.
136.3 Speed up its accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Gabon);	Supported	A12 Acceptance of international norms E1 Economic, social & cultural	Not yet implemented.

<p>Source of position: A/HRC/36/11/Add.1</p>		<p>rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	
<p>136.16 Consider ratifying the Domestic Workers Convention, 2011 (No. 189) (Nicaragua); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>A12 Acceptance of international norms E32 Right to just and favourable conditions of work S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>Partly implemented. Legislative Decree No. 172/2017 approved. Corresponding executive decree is pending</p>
<p>136.5 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Albania) (El Salvador) (Georgia) (Montenegro) (Liechtenstein); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>A12 Acceptance of international norms F31 Children: definition; general principles; protection B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	<p>Partly implemented. Legislative Decree No. 85/2017 was approved. Corresponding executive decree is pending.</p>
<p>136.6 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Ukraine); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>A12 Acceptance of international norms F31 Children: definition; general principles; protection B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - children</p>	<p>Partly implemented. Legislative Decree No. 85/2017 was approved. Corresponding executive decree is pending.</p>

136.7 Ratify, before the next universal periodic review cycle, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Czechia); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Partly implemented. Legislative Decree No. 85/2017 was approved. Corresponding executive decree is pending.
136.8 Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Croatia) (Mongolia); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms F31 Children: definition; general principles; protection B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Partly implemented. Legislative Decree No. 85/2017 was approved. Corresponding executive decree is pending.
136.9 Sign and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Not yet implemented.
136.10 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Chile) (Indonesia) (Sri Lanka); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Not yet implemented.
136.11 Step up the procedure for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Togo); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions	Not yet implemented.

		Affected persons: - migrants	
136.12 Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Not yet implemented.
136.13 Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (El Salvador); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Not yet implemented.
136.14 Accelerate efforts towards ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) (Philippines); Source of position: A/HRC/36/11/Add.1	Supported	A12 Acceptance of international norms G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Not yet implemented. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Partly implemented. Domestic Workers Convention, 2011
Theme: A22 Cooperation with treaty bodies			
136.21 Reinforce the fruitful cooperation with the treaty body organs of the United Nations (Côte d'Ivoire); Source of position: A/HRC/36/11/Add.1	Supported	A22 Cooperation with treaty bodies S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partly implemented The level of cooperation is selective and follows the interests of the government's anti-human rights agenda.
Theme: A3 Inter-State cooperation & development assistance			
136.22 Further strengthen its active engagement with the international community to promote human rights in all areas (Myanmar); Source of position: A/HRC/36/11/Add.1	Supported	A3 Inter-State cooperation & development assistance S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented. Relevant human rights issues are directly opposed by the government, such as LGBTI rights, sexual and reproductive rights, etc. Government interventions at the international level are marked by misinformation, vilification of activists and NGOs and lack of transparency about human rights violations.
Theme: A41 Constitutional and legislative framework			

136.29 Fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court (Estonia); Source of position: A/HRC/36/11/Add.1	Supported	A41 Constitutional and legislative framework B11 International humanitarian law B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented.
136.44 Approve a specific law, in line with its international human rights obligations, that prohibits discrimination and incitement to violence based on sexual orientation and gender identity (Honduras); Source of position: A/HRC/36/11/Add.1	Supported	A41 Constitutional and legislative framework B31 Equality & non-discrimination G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented. There were no legislative changes. Advances were achieved by a Federal Supreme Court ruling (STF, by its Portuguese acronym). In addition to ruling to frame homophobia as a crime, the Federal Supreme Court in 2018 also established the right to gender self-identification. Until the Congress passes a specific law, the Supreme Court ruled homophobia a crime, which could be prosecuted based on the existing legislation on the crime of racism. Source: STF ruling
136.36 Carry out specific legislative reform to strengthen measures against discrimination on the basis of gender and ethnicity (Uganda); Source of position: A/HRC/36/11/Add.1	Supported	A41 Constitutional and legislative framework B31 Equality & non-discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - Indigenous peoples	Not yet implemented. Decree No. 10,932 enacted in Brazil the Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance. A Draft Bill Law that aims to convert racial slurs into the crime of racism was approved in the Federal Senate and is pending in the Chamber of Deputies. Such Bill also intends to increase the maximum penalty for the crime of racism. In 2021, a Supreme Court ruling asserted that racial slur is equivalent to the crime of racism, that is, it is an imprescriptible and non-bailable crime. Data from the Ministry of Human Rights indicate in 2021 an increase in complaints of racial slurs. Data from the Rio de Janeiro Public Security Institute also indicate a significant increase in crimes of racism in 2021. Source: Ministry of Human Rights Rio de Janeiro Public Security Institute

<p>136.58 Adopt a code of conduct based on international human rights standards in order to define specific conditions for the use of force by law enforcement officials during protests and riots (Slovakia); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>A41 Constitutional and legislative framework D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials</p>	<p>Not yet implemented. In addition to the frequent excessive use of force and human rights violations in protests, Brazil has not yet built up effective institutional mechanisms that promote mediation and respect for human rights in conflict situations. The few attempts by subnational governments to establish protocols for the use of force are incipient and ineffective. There are still no significant initiatives to establish and implement minimum standards for police action through clear and well-defined criteria. At the national level, in 2013, the National Human Rights Council issued a Resolution in an attempt to establish minimum standards for guaranteeing human rights in protests (Resolution No 6/2013). Law No. 13675/2018, which creates the National Public Security and Social Defense Policy, generically addresses the principles of respect for rights, peaceful resolution of conflicts, and moderate and proportional use of force. On the one hand, the use of force in protests is thus based on broad principles and guidelines, and on the other hand, on often contradictory regulatory instruments. Law enforcement officials find a wide margin of discretion in such a context. There is also a lack of oversight of the Police activity. It leaves room for excessive and unlawful police actions, such as: use of less-lethal anti-protest weapons (namely rubber bullets), arbitrary and violent arrests, unidentified presence of police officers in protests, among others. In the 2020 and 2021 protests in Brazil, three protesters suffered eye injuries due to the use of “non-lethal” weapons. Source: <u>Nov - 2020 – Protest State of Amapa</u> <u>Mai – 2021 – Protest State of Pernambuco</u></p>
<p>136.94 Incorporate the Bangkok Rules into public policies to protect female inmates and adopt bill 5654/2016 that prohibits the use of handcuffs before, during and after childbirth on women deprived of liberty (Denmark); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>A41 Constitutional and legislative framework D26 Conditions of detention F1 Women F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - women - children</p>	<p>Partly implemented The National Council of Justice has issued and updated recommendations and resolutions to guide judges' practices in the criminal system. In 2018, Resolution No. 252 was approved by this Council, establishing principles and guidelines for the monitoring of mothers and pregnant women deprived of their liberty and other measures, considering the Bangkok and Mandela Rules. Monitoring and concrete actions are needed to ensure that initiatives to establish human rights-based guidelines for criminal justice professionals bring about practical changes. Source: <u>CNJ Resolution</u></p>

136.106 Ensure that legislation relating to the prison situation and criminal justice is in accordance with international human rights standards (Mexico); Source of position: A/HRC/36/11/Add.1	Supported	- prison officials A41 Constitutional and legislative framework D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - public officials - prison officials	Not yet implemented.
136.102 Establish a mechanism to allow for speedy and correct judicial decisions under strict observance of constitutional and international law regarding the territorial rights of indigenous peoples (Austria); Source of position: A/HRC/36/11/Add.1	Supported	A41 Constitutional and legislative framework D51 Administration of justice & fair trial G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - Indigenous peoples - judges, lawyers and prosecutors	Not yet implemented.
136.206 Reject proposed Constitutional amendments and draft bills that seek to reduce the age of criminal responsibility (Uruguay); Source of position: A/HRC/36/11/Add.1	Supported	A41 Constitutional and legislative framework F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - children	Not yet implemented. A Proposed Amendment to the Constitution is pending before the National Congress, which aims to lower the age of criminal responsibility from 18 years of age to 16. In 2019, the proposal was under debate in the Committee on Constitution, Justice and Citizenship of the Federal Senate. Source: Senate News
Theme: A42 Institutions & policies - General			
136.88 Ensure that Local Preventive Mechanisms are created by encouraging states to do so as envisaged by the national law on torture and expand the	Supported	A42 Institutions & policies - General A41 Constitutional and	Partly implemented According to the data from the National Council of Justice, custody hearings are implemented in all Brazilian states, in state and federal justice systems. The pandemic context represented a

<p>application of custody hearings to the entire country as set by Resolution 213 of the National Council of Justice (Denmark); Source of position: A/HRC/36/11/Add.1</p>		<p>legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials - prison officials</p>	<p>setback in the use of the custody hearings in criminal justice. First, custody hearings were suspended due to the pandemic. Posteriorly, the hearings were authorized in a virtual format. The CNJ Resolution No. 357 (2020) authorized the realization of custody hearings by videoconferences. Data compiled by civil society and by the Public Defender's Office of the State of Rio de Janeiro pointed out: (a) violations of rights and non-compliance of courts with CNJ's requirements to hold the hearings in a virtual format; (c) drop in the number of allegations of torture and ill-treatment due to the suspension of in-person hearings. Through Law 13964/2019, the National Congress approved a legal provision prohibiting holding custody hearings via videoconferences. Ensuring effective means for investigating allegations of torture and holding accused officials accountable is one of the problems regarding the effectiveness of custody hearings. There is still high underreporting of cases of torture and ill-treatment in custody hearings. Attempts to train and guide judges to create an open-door system to duly process torture and ill-treatment cases in criminal justice have not yet achieved the desired effects.</p> <p>Source: CNJ Report Public Defender's Office of the State of Rio de Janeiro Report</p>
<p>136.86 Consolidate the Federal National System, including by supporting States to set up Local Preventive Mechanisms (Ghana); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>A42 Institutions & policies - General A41 Constitutional and legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials - prison officials</p>	<p>Not yet implemented. Data from the Ministry of Women, Family and Human Rights indicate that, as of July 2019, there were: 22 state-level committees to prevent and combat torture and 10 state-level mechanisms to prevent and combat torture. In 2019, the governor of the state of São Paulo vetoed the Draft Bill that would create the committee and the mechanisms to combat torture in that state. Source: Ministry of Human Rights</p>
<p>136.87 Create local preventive mechanisms at each state level for effective implementation of the National Mechanism for the</p>	Supported	<p>A42 Institutions & policies - General A41 Constitutional and</p>	<p>Not yet implemented.</p>

Prevention and Combat of Torture (Turkey); Source of position: A/HRC/36/11/Add.1		legislative framework D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - public officials - prison officials	
136.59 Strengthen measures to prevent abuses by some law enforcement officials, including through providing appropriate human rights training (Rwanda); Source of position: A/HRC/36/11/Add.1	Supported	A42 Institutions & policies - General A53 Professional training in human rights D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials	Not yet implemented. The organization of occasional training courses and e-learning courses has not been contributing significantly to promote changes in legal professionals and in justice operators' practices.
136.45 Follow measures taken at the national level to ensure that municipalities in Brazil develop specific policies to guarantee rights of lesbian, gay, bisexual, transgender and intersex people (Israel); Source of position: A/HRC/36/11/Add.1	Supported	A42 Institutions & policies - General B31 Equality & non-discrimination A41 Constitutional and legislative framework S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented. Civil Society and LGBTI rights bodies have drawn attention to the statistical invisibility of the LGBTI population as a structural problem. There is no official reliable database on the situation of the LGBTI population at the national level. In some states, there are occasional initiatives for the production of data on violence and public policies, such as in the state of Rio de Janeiro. The most reliable data on the situation of the LGBTI population is produced by civil society.

136.66 Take measures to improve the situation of underreporting of cases of violence and discrimination against lesbian, gay, bisexual, transgender and intersex people, and develop policies to punish and prevent those actions (Israel); Source of position: A/HRC/36/11/Add.1	Supported	A42 Institutions & policies - General B31 Equality & non-discrimination G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	
136.47 Strengthen policies related to the fight against discrimination against indigenous and Afro-Brazilian children and others in vulnerable situations from an integral and intersectoral perspective (Chile); Source of position: A/HRC/36/11/Add.1	Supported	A42 Institutions & policies - General B31 Equality & non-discrimination G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions G3 Indigenous peoples Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not yet implemented.
136.68 Undertake strategies to reduce gun violence, particularly among poor black youth (Bahamas); Source of position: A/HRC/36/11/Add.1	Supported	A42 Institutions & policies - General D1 Civil & political rights - general measures of implementation G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions	Not yet implemented.

		Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	
136.217 Develop and implement policy to address child mortality, malnutrition, health, education and access to sanitation, of indigenous people (South Africa); Source of position: A/HRC/36/11/Add.1	Supported	A42 Institutions & policies - General E22 Right to food E23 Right to adequate housing E26 Human Rights & drinking water and sanitation E41 Right to health - General E51 Right to education - General G3 Indigenous peoples S03 SDG 3 - health S04 SDG 4 - education S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented. The data regarding deaths of indigenous children is alarming. In 2019, 530 indigenous babies died. Source: <u>Data on indigenous children mortality</u>
Theme: A45 National Human Rights Institution (NHRI)			

136.23 Continue efforts to strengthen the national human rights institutions (Nepal); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented. Despite having institutions that act independently for the promotion and protection of human rights, Brazil does not have an internationally accredited National Human Rights Institution, according to the Paris Principles. Some efforts have been made by Brazilian institutions to achieve this goal, including the Federal Public Defender's Office and the National Human Rights Council. The National Human Rights Council (CNDH, by its acronym in Portuguese) has managed to ensure its political autonomy in different administrations. This Council has guaranteed autonomy in the election of members of civil society, autonomy in its form of organization, and has its own budget and executive secretary. However, there are examples of interference from the current government the Council's functioning, especially regarding the management of the officials designated to serve the Council. On the other hand, this body has faced a structural problem of underfinancing and lack of adequate structure to fully accomplish its mission.
136.24 Continue working to ensure that the National Human Rights Institution gains "A" status in compliance with the Paris Principles (Portugal); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	
136.25 Bring its National Human Rights Council in line with the Paris Principles (Sierra Leone); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	
136.26 Provide the National Human Rights Council with the necessary resources to enhance its independence to effectively carry out its functions (Uganda); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	

136.27 Provide the National Human Rights Council with the necessary budgetary, administrative and political independence to fully implement its functions (Greece); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general
136.28 Provide the National Human Rights Council with the budgetary, administrative and political independence, which is necessary to exercise its new mandate (Guatemala); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general
136.31 Bring its national human rights institutions, especially the National Human Rights Council, fully in line with the Paris Principles (Poland); Source of position: A/HRC/36/11/Add.1	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general

Theme: A53 Professional training in human rights

136.32 Introduce mandatory human rights training for police agencies, and implement an evidence-based policing programme, to reduce deaths from police action by 10 per cent over the universal periodic review cycle (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/11/Add.1	Supported	A53 Professional training in human rights A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	Not yet implemented. Brazilian national and subnational governments usually report the organization of eventual training courses or modules of e-learning in human rights. These occasional initiatives have not brought about a change in practices or contributed to the construction of a culture of human rights education among security forces
136.33 Implement human rights training programmes for the security forces, emphasizing the use of force according to the criteria of necessity and proportionality (Italy); Source of position: A/HRC/36/11/Add.1	Supported	A53 Professional training in human rights A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons:	

		- law enforcement / police officials	
136.34 Continue improving human rights education and training for enforcement agencies, public officials, and prison guards (Malaysia); Source of position: A/HRC/36/11/Add.1	Supported	A53 Professional training in human rights D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials	
Theme: A54 Awareness raising and dissemination			
136.35 Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples (Uzbekistan); Source of position: A/HRC/36/11/Add.1	Supported	A54 Awareness raising and dissemination G3 Indigenous peoples S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented. Federal administration authorities, including the President of the Republic, are responsible for encouraging vilification and dissemination of the disinformation about indigenous peoples, the Black movement and their leaders.
Theme: A61 Cooperation with civil society			
136.123 Strengthen civil society to participate in humanitarian assistance and in major sports events (Sudan); Source of position: A/HRC/36/11/Add.1	Supported	A61 Cooperation with civil society A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not yet implemented. Brazil is experiencing a moment of strong shrinking in civic spaces. In 2019, the federal government abolished more than 600 collegiate bodies created within the scope of federal administration. The remaining councils with civil society participation were discontinued or have suffered interference in their functioning, composition, and work agenda. In practice, making it impossible for civil society to participate autonomously in federal administration affairs.
Theme: B31 Equality & non-discrimination			
136.40 Take urgent measures to adopt legislation sanctioning discrimination and incitement to violence on the grounds of sexual orientation, and investigate and sanction cases of violence against lesbian, gay, bisexual, transgender, intersex and queer persons (Argentina);	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework	Not yet implemented.

<p>Source of position: A/HRC/36/11/Add.1</p>		<p>A42 Institutions & policies - General G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	
<p>136.41 Continue advancing the promotion of laws and initiatives that ban discrimination and incitement to violence on the grounds of sexual orientation and gender identity, in particular in the case of young persons and adolescents (Chile); Source of position: A/HRC/36/11/Add.1</p>	<p>Supported</p>	<p>B31 Equality & non-discrimination A41 Constitutional and legislative framework A42 Institutions & policies - General G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)</p>	<p>Not yet implemented.</p>
<p>136.43 Continue taking measures to develop legislation and policies at federal, state and municipal level to punish and prevent hate crimes and discrimination against the lesbian, gay, bisexual, transgender and intersex population (Finland); Source of position: A/HRC/36/11/Add.1</p>	<p>Supported</p>	<p>B31 Equality & non-discrimination A41 Constitutional and legislative framework A42 Institutions & policies - General G1 Members of minorities S10 SDG 10 - inequality</p>	<p>Not yet implemented. There were no advances in legislation regarding this matter. Examples of legislative advances are rare and isolated at the local scale. The city of São Paulo, for example, passed the Municipal Law No. 17,301/2020, which prohibits discrimination based on sexual orientation or gender identity at the municipal level. Federal government authorities, including the President of the Republic himself, have played a significant role in inciting hostility against the LGBTI population. In 2022, the Federal Public Prosecutor's Office presented charges of homophobia against the Minister of Education, Milton Ribeiro.</p>

		S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Data from the Transrespect Versus Transphobia Worldwide research project rank Brazil as the country that concentrated 40% of killings of transgender and gender nonconforming people in the world in 2020 Source: Jota Municipal Law No. 17.301/2020 Transrespect Versus Transphobia
136.49 Continue taking active measures aimed at eradicating discrimination against Afro- Brazilian women based on their gender and ethnicity (Namibia); Source of position: A/HRC/36/11/Add.1	Supported	B31 Equality & non- discrimination A42 Institutions & policies - General G1 Members of minorities F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented.
136.39 Take necessary measures to address homophobic and transphobic crime, including by establishing a system for recording such crimes (Sweden); Source of position: A/HRC/36/11/Add.1	Supported	B31 Equality & non- discrimination A42 Institutions & policies - General G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented.
136.42 Redouble the capacity- building efforts for all the security forces, aiming at avoiding practices of racial bias, or,	Supported	B31 Equality & non- discrimination	Not yet implemented.

<p>directed, among others, against vulnerable minorities such as lesbian, gay, bisexual, transgender and intersex persons (Colombia);</p> <p>Source of position: A/HRC/36/11/Add.1</p>		<p>A42 Institutions & policies - General</p> <p>G1 Members of minorities</p> <p>S10 SDG 10 - inequality</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) 	
<p>136.37 Take measures to eliminate cases of discrimination against certain groups in society (Iraq);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>B31 Equality & non-discrimination</p> <p>A42 Institutions & policies - General</p> <p>S10 SDG 10 - inequality</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	Not yet implemented.
<p>136.38 Support initiatives and strategies to combat discrimination and promote the inclusion of vulnerable persons (Madagascar);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>B31 Equality & non-discrimination</p> <p>A42 Institutions & policies - General</p> <p>S10 SDG 10 - inequality</p> <p>S16 SDG 16 - peace, justice and strong institutions</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	Not yet implemented.

136.48 Further promote ethnic and racial equality, building on the important policy measures already taken (Greece); Source of position: A/HRC/36/11/Add.1	Supported	B31 Equality & non-discrimination A42 Institutions & policies - General S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented. A preliminary technical report prepared by the Chamber of Deputies Consulting Services on the Budgetary and Financial Oversight and the Legislative Consulting Services pointed out the total dismantling of public programs aimed at promoting racial equality in Brazil: National Plan to Combat Youth Homicide, provided for in Law 13,675/18. It was not implemented. “Juventude Viva” Program, aimed at preventing and combating the homicide of young Black people. It was discontinued in 2019. Gender and Race Equality Program, which encouraged new ways of management with a focus on gender and race inequalities in the workplace. It was suspended in late 2018. National Comprehensive Policy for the Health of the Black Population. It has not been implemented in practice, at least since 2019. National Permanence Grant Program, which supports the continuation of studies at universities for vulnerable groups. There was a reduction in resources allocated to the program. Public policies aimed at quilombolas. There was a drastic budget reduction and extinction of actions aimed at local development for quilombolas. Palmares Cultural Foundation. There was a drastic budget reduction. In addition to the complete dismantling of the policy, the federal agencies responsible for the policy of combating racism and promoting racial equality became hostile to the cause of the Black movement. The case of Palmares Foundation is emblematic, a foundation responsible for the valorization of Black culture whose president became popular due to frontal attacks against the Black movement and Black activists. Source: <u>Chamber of Deputies Consulting Services on the Budgetary and Financial Oversight and the Legislative Consulting Services’ Report</u>
Theme: B32 Racial discrimination			
136.60 Continue putting in place measures aimed at preventing violence and racial discrimination against Afro-Brazilians and at	Supported	B32 Racial discrimination	Not yet implemented.

protecting their cultural heritage sites and places of worship (Namibia); Source of position: A/HRC/36/11/Add.1		A42 Institutions & policies - General G1 Members of minorities D42 Freedom of thought, conscience and religion S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	
136.174 Continue strengthening efforts to eliminate discrimination, including racial discrimination in education (Indonesia); Source of position: A/HRC/36/11/Add.1	Supported	B32 Racial discrimination E51 Right to education - General S04 SDG 4 - education S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented.
136.46 Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls (Rwanda); Source of position: A/HRC/36/11/Add.1	Supported	B32 Racial discrimination F13 Violence against women G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls - Indigenous peoples	Not yet implemented.
Theme: B51 Right to an effective remedy			
136.63 Strengthen prevention and effectiveness of investigation of cases of police violence thorough improved supervision and human rights training of law enforcement personnel, namely the military police, and ensure accountability	Supported	B51 Right to an effective remedy A53 Professional training in human rights B52 Impunity	Not yet implemented. There were no advances in relation to the impunity regime that benefits members of the security forces involved in extrajudicial executions, torture, or excessive use of force. The case of Favela Nova Brasilia is emblematic. In this case, 26 people were summarily executed

for any acts of police violence (Czechia); Source of position: A/HRC/36/11/Add.1		S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	and 3 people were victims of sexual violence committed in 1994 and 1995 during two police raids carried out in Favela Nova Brasília, in Complexo do Alemão, Rio de Janeiro. The Inter-American Court of Human Rights condemned the Brazilian State for human rights violations in this case. 27 years after the massacre, the police officers involved were acquitted. Source: Amnesty International Brazil Statement
136.64 Ensure that acts of violence committed by members of security forces are prosecuted in order to combat impunity (France); Source of position: A/HRC/36/11/Add.1	Supported	B51 Right to an effective remedy B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	
136.54 To further continue the efforts to punish those responsible for the breaking of the retaining walls in Jacarei and Mariana; and to ensure that the victims of this event are guaranteed their right to access to justice, and their right to fair compensation, remediation and reparations for the damage caused. We recommend that Brazil share these acquired experiences through its constructive and substantive participation in the Intergovernmental Working Group established through resolution 26/9 of the Human Rights Council (Ecuador); Source of position: A/HRC/36/11/Add.1	Supported	B51 Right to an effective remedy B6 Business & Human Rights B71 Human rights and the environment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	
136.65 Take further steps in order to prevent violence against people of African descent (Republic of Korea); Source of position: A/HRC/36/11/Add.1	Supported	B51 Right to an effective remedy G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	
Theme: B6 Business & Human Rights			
136.51 Develop a national action plan on business and human rights in order to prevent development	Supported	136.51 Develop a national action plan on business	Not yet implemented. Decree No. 9,571/2018 established the National Guidelines on Business and Human Rights in

<p>projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities (Netherlands);</p> <p>Source of position: A/HRC/36/11/Add.1</p>		<p>and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities (Netherlands);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	<p>Brazil. The enactment of the decree received several criticisms from civil society. Firstly, it was enacted in a context of widespread dismantling of environmental protection policies. Secondly, the decree reinforces the voluntary nature of business' compliance with human rights obligations. The decree introduced non-binding principles and guidelines of human rights in the Brazilian legal system without any instrument capable of monitoring or compelling corporate actors to follow human rights standards. Since 2015, several initiatives have been organized in order to discuss this topic, with the participation of the Brazilian government (workshops, public hearings, public consultations, national and international work meetings). In August 2018, through Ordinance No. 289/2018, the Business and Human Rights Committee was created within the scope of the Ministry of Human Rights, without the participation of civil society. One of the purposes of the Committee should have been the implementation of the Principles and Guidelines of the United Nations.</p> <p>However, there is no transparent and collaborative process with civil society aimed at developing a national plan on business and human rights in accordance with UN guidelines. The harmful actions of the Brazilian government towards environmental policies in recent years cast doubt on its ability to lead a process with the significant participation of civil society, especially, victims of human rights violations by corporate actors, such as indigenous, quilombolas, and other traditional peoples. It is worth mentioning that civil society and human rights institutions have discussed the insufficiency of the Principles and Guidelines of the United Nations when applied to the Brazilian reality. A technical note from the Office of the Federal Prosecutor on the Rights of the Citizen (PFDC, by its acronym in Portuguese) highlighted that a national action plan on Business and Human Rights should consider the state of the art of Brazilian legal and judicial precedents. Such precedents have been helping to define a more rigorous framework for the protection of human rights in the context of human rights violations by corporate actors and projects of development in Brazil.</p> <p>Source: <u>PFDC Technical Note</u></p>
<p>136.52 Draft a comprehensive national plan of action on business and human rights, that would take into account the United Nations Guiding Principles in this regard (Paraguay);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>136.52 Draft a comprehensive national plan of action on business and human rights, that would take into account the United Nations Guiding Principles in this regard (Paraguay);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	<p>However, there is no transparent and collaborative process with civil society aimed at developing a national plan on business and human rights in accordance with UN guidelines. The harmful actions of the Brazilian government towards environmental policies in recent years cast doubt on its ability to lead a process with the significant participation of civil society, especially, victims of human rights violations by corporate actors, such as indigenous, quilombolas, and other traditional peoples. It is worth mentioning that civil society and human rights institutions have discussed the insufficiency of the Principles and Guidelines of the United Nations when applied to the Brazilian reality. A technical note from the Office of the Federal Prosecutor on the Rights of the Citizen (PFDC, by its acronym in Portuguese) highlighted that a national action plan on Business and Human Rights should consider the state of the art of Brazilian legal and judicial precedents. Such precedents have been helping to define a more rigorous framework for the protection of human rights in the context of human rights violations by corporate actors and projects of development in Brazil.</p>
<p>136.53 Draw up an action plan for business and human rights (Sierra Leone);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>136.53 Draw up an action plan for business and human rights (Sierra Leone);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	<p>highlighted that a national action plan on Business and Human Rights should consider the state of the art of Brazilian legal and judicial precedents. Such precedents have been helping to define a more rigorous framework for the protection of human rights in the context of human rights violations by corporate actors and projects of development in Brazil.</p>
Theme: B71 Human rights and the environment			
<p>136.55 Continue its efforts on the implementation of the National Policy on Climate Change on</p>	Supported	<p>B71 Human rights and the environment</p>	<p>Not yet implemented.</p> <p>Civil society organizations have drawn attention to the paralysis of climate change policies. A</p>

<p>reducing deforestation in the Amazon region (Ethiopia); Source of position: A/HRC/36/11/Add.1</p>	<p>B6 Business & Human Rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - general</p>	<p>report from the Federal Senate Environment Commission points out that, as of 2019, the entire organizational structure responsible for the topic of climate change at the Ministry of Environment was discontinued. In 2019, the Division of Climate Change and Forests and the Department of Forests and Prevention of Deforestation were extinguished. The Division of Climate Change and Forest was responsible for coordinating the implementation of the National Policy on Climate Change, the management of the National Fund for Climate Change, and for the coordination of plans for prevention and control of deforestation in the Amazon and Cerrado. A new body, the Division of Forests and Sustainable development, was created. This body, in turn, was completely emptied and was not able to exercise responsibilities related to climate change. In 2021, the government's attempts to propose changes to the National Policy on Climate Change was largely criticized by civil society. Attempts to replace specific goals with abstract and generic formulas were particularly disapproved, especially regarding proposals of generic plans to combat deforestation without concrete results.</p> <p>One of the government's responses to contain deforestation in the Amazon was the reinforcement of the military presence in the region and the militarization of police forces and bodies responsible for the socio-environmental agenda. There are pending lawsuits in the Supreme Court questioning the government's mismanagement regarding environmental and climate governance bodies, namely the National Council for the Environment and the National Council for the Legal Amazon.</p> <p>Sources: Federal Senate Commission of Environment Report Civil Society Statement on changes to the National Policy on Climate Change</p>
---	--	--

Theme: D22 Extrajudicial, summary or arbitrary executions

<p>136.71 End extrajudicial killings and associated impunity, including by passing draft bill No. 4471/2012, by abolishing the classification "resistance to arrest followed by death" and by ensuring that all deaths following police interventions are impartially investigated (Germany);</p>	<p>Supported</p> <p>D22 Extrajudicial, summary or arbitrary executions B52 Impunity A41 Constitutional and legislative framework</p>	<p>Not yet implemented.</p>
---	--	-----------------------------

<p>Source of position: A/HRC/36/11/Add.1</p>		<p>D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials</p>	
<p>136.70 Refrain from resorting to violence and extrajudicial executions by the security forces, in particular the so-called “war on drugs” (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/11/Add.1</p>	<p>Supported</p>	<p>D22 Extrajudicial, summary or arbitrary executions S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials</p>	<p>Not yet implemented.</p>
<p>Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment</p>			
<p>136.79 Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture (Turkey); Source of position: A/HRC/36/11/Add.1</p>	<p>Supported</p>	<p>D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials</p>	<p>Not yet implemented.</p>
<p>136.80 Adopt without delay urgent measures to stop torture, violence, killings and serious overcrowding and degrading conditions in the prisons in Brazil (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/11/Add.1</p>	<p>Supported</p>	<p>D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials</p>	<p>Not yet implemented.</p>

136.72 Continue its efforts to combat torture and ill-treatment (Algeria); Source of position: A/HRC/36/11/Add.1	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials	Not yet implemented.
136.73 Intensify efforts aimed at combating and preventing torture and other forms of ill-treatment (Georgia); Source of position: A/HRC/36/11/Add.1	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials	Not yet implemented.
136.79 Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture (Turkey); Source of position: A/HRC/36/11/Add.1	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
Theme: D26 Conditions of detention			
136.76 Improve detention conditions, including basic sanitation and access to water, food and medical care (Republic of Korea); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention E22 Right to food E26 Human Rights & drinking water and sanitation Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.

136.77 Address overcrowding, sanitation, violence, and medical and psychological care in prisons (South Africa); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention E26 Human Rights & drinking water and sanitation S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
136.95 Improve prison conditions, particularly addressing overcrowding and violence, including in prisons for women (Australia); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention F1 Women S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - persons deprived of their liberty - prison officials	Not yet implemented. The National Council of Justice <u>Recommendation No. 62</u> aimed at guiding the adoption of measures for containing the spread of Covid-19 in prisons. On the one hand, the recommendation restricted the rights of people (suspension of activities: visits, food delivery, work). On the other hand, it addressing overcrowding recommended the preferential application of alternatives to imprisonment: house arrest, pretrial release, early or conditional release. It is necessary to closely monitor and evaluate the results of the work of the National Council of Justice in issuing recommendations and resolutions guiding the adoption of minimum human rights standards in the management of the prison system and in criminal execution.
136.96 Improve facilities dedicated to pregnancy and maternity in prisons, in line with the Bangkok Rules (Thailand); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention F1 Women S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - persons deprived of their liberty - prison officials	Partly implemented Resolution No. 252/2018 from National Council of Justice establishes principles and guidelines for pregnancy and maternity in prison in line with the Bangkok Rules.
136.97 Strengthen prison reform efforts to protect female prisoners from sexual abuse and violence (Bahamas); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention F1 Women S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - persons deprived of their liberty - prison officials	Not yet implemented.

136.90 Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system (Ireland); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention F12 Discrimination against women G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - prison officials	Partly implemented National Council of Justice Resolution No. 348/2020 establishes guidelines and procedures for the treatment of the LGBTQ+ population in prisons. It is necessary to closely monitor and evaluate the results of the work of the National Council of Justice in issuing recommendations and resolutions guiding the adoption of minimum human rights standards in the management of the prison system and in criminal execution.
136.75 Continue taking measures aimed at improving the conditions in prisons and other detention facilities (Namibia); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not yet implemented.
136.81 Working jointly with the Federal States to improve detention conditions in Brazilian prisons (Algeria); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - public officials - prison officials	Not yet implemented.
136.82 Continue improving prison conditions and reducing overcrowding (Angola); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
136.83 Ensure respect for and protection of human rights for all detainees including by guaranteeing detention conditions in compliance with domestic as well as international law and standards and by protecting against	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons:	Not yet implemented. It is necessary to closely monitor and evaluate the results of the work of the National Council of Justice in issuing recommendations and resolutions guiding the adoption of minimum human rights standards in the management of the prison system and in criminal execution.

cruel and inhuman treatment (Austria); Source of position: A/HRC/36/11/Add.1		- persons deprived of their liberty - prison officials	
136.84 Improve as quickly as possible the different aspects of prisoners' conditions (Cabo Verde); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
136.89 Continue to make efforts to protect human rights of persons in detention facilities (Holy See); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
136.91 Enhance efforts to reform the prison system and to ensure the protection of the human rights of all detainees (Italy); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
136.92 Take measures to improve conditions related to treatment of inmates within prisons, through increasing the capacity as already initiated by the Government and through measures for maintaining order within prisons (Japan); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
136.93 Take necessary measures to increase the number of gynaecologists in the Brazilian prison system (Sweden); Source of position: A/HRC/36/11/Add.1	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Not yet implemented.
Theme: D29 Domestic violence			

136.185 Combat domestic violence and high maternal mortality rates suffered by women, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women (Estonia); Source of position: A/HRC/36/11/Add.1	Supported	D29 Domestic violence E43 Access to sexual and reproductive health and services F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented. Data from the Covid-19 Brazilian Obstetric Observatory indicates that 75% of all deaths of pregnant and postpartum women due to the Covid-19 pandemic in the world occurred in Brazil. Source: Criola
Theme: D33 Arbitrary arrest and detention			
136.98 Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces (Indonesia); Source of position: A/HRC/36/11/Add.1	Supported	D33 Arbitrary arrest and detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials	Not yet implemented. Police lethality rates continue to break records in the country. Civil society organizations and Public Defenders' Offices have drawn attention to the practice of photographic recognition in police stations. Reports by public defenders identified, between 2012 and 2020, 90 wrongful arrests based on photographic recognition. In Rio de Janeiro, in 58 cases in which there was an error in photographic recognition, 80% of the suspects were Black. Source: Data on police lethality Public Defenders Offices Report
Theme: D51 Administration of justice & fair trial			
136.67 Ensure that all hate crimes against lesbian, gay, bisexual, transgender and intersex persons are thoroughly investigated and prosecuted and seek to reduce hate by integrating human rights education into school curricula (Canada); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial B51 Right to an effective remedy A51 Human rights education - general G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented.

136.61 Conduct thorough, impartial, and timely investigations into all allegations of unlawful killings, abuse, torture, and corruption involving security forces and prison personnel (United States of America); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial D1 Civil & political rights - general measures of implementation D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials	Not yet implemented.
136.62 Ensure investigations and recommend action against abuses by law enforcers, as a way of curbing violations (Botswana); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	Not yet implemented.
136.105 Expand custody hearing programmes to cover all pre-trial detainees by passing draft bill 554/2011. Provide specific training according to the Istanbul Protocol to judges and public prosecutors working in custody hearings (Germany); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial D26 Conditions of detention A53 Professional training in human rights S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - persons deprived of their liberty	Not yet implemented.
136.101 Consider expanding application of the Custody Hearings Programme and make it	Supported	D51 Administration of justice & fair trial	Partly implemented According to the data from the National Council of Justice, custody hearings are implemented in

feasible before all State Courts (Serbia); Source of position: A/HRC/36/11/Add.1		D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors	all Brazilian states, in state and federal justice systems.
136.107 Improve judicial processes to minimize the length of pre-trial detention and speed up trials, and consider alternatives to detention to address prison overcrowding (United States of America); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - persons deprived of their liberty - prison officials	Partly implemented In 2019, a legislative change to the Criminal Procedure Code sought after to establish a minimum standard for monitoring pretrial detention. According to the new law (Law No. 13.964/19) pretrial detention must be reviewed by the judge who granted it every 90 days.
136.108 Plan and take concrete measures in the mid-term period with the objective of reducing pre-trial time for remand prisoners and reduce the overall number of prisoners awaiting trial rather than serving sentences (Slovenia); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - public officials - prison officials	Partly implemented
136.78 Take measures to reduce over incarceration, notably by encouraging the use of alternative sentencing and by making sure that pre-trial hearings are widely used (Spain); Source of position: A/HRC/36/11/Add.1	Supported	D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - persons deprived of their liberty - prison officials	Partly implemented
Theme: E26 Human Rights & drinking water and sanitation			
136.145 Address challenges of water and sanitation in favelas by full implementation of the	Supported	E26 Human Rights & drinking water and sanitation	Not yet implemented. In the last two decades there has not been much change in data on access to safe water and sanitation. There is a structural deficit in which

National Sanitation Plan (South Africa); Source of position: A/HRC/36/11/Add.1		S06 SDG 6 - water and sanitation S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons living in poverty	about 15% of the total Brazilian population is not served by a water supply system. In turn, approximately 45% of the population is not served by the sewage collection network (National Sanitation Information System, panorama 2021). This structural deficit in access to water and sanitation is unevenly distributed. The North and Northeast regions are the most affected by this inequality. Equally more affected are the peripheral and favela residents. In 2020, a regulatory framework for sanitation was approved (Law No. 14026/2020) by the federal government. The law was received with concern by Brazilian civil society. The opening to privatization of services, facilitated by the law, can increase the structural shortfall in access to water and sanitation for the poorest populations.
136.146 Take further efforts to improve access to water and sanitation, especially in the north and north-east of the country, through the effective implementation of the principle of equality, and to gradually reduce inequalities through the implementation of the National Sanitation Plan (Spain); Source of position: A/HRC/36/11/Add.1	Supported	E26 Human Rights & drinking water and sanitation S06 SDG 6 - water and sanitation S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons living in poverty	
136.147 Strengthen endeavours to ensure access to safe drinking water and sanitation through installing water and sanitation networks (Turkey); Source of position: A/HRC/36/11/Add.1	Supported	E26 Human Rights & drinking water and sanitation S06 SDG 6 - water and sanitation S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons living in poverty	
Theme: E43 Access to sexual and reproductive health and services			
136.158 Ensure access to reproductive health care, including high-quality prenatal care, and information on sexual and reproductive health, contraception and emergency contraception, and safe abortion to all women without discrimination (Switzerland); Source of position: A/HRC/36/11/Add.1	Supported	E43 Access to sexual and reproductive health and services E41 Right to health - General F12 Discrimination against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment	Not yet implemented.

		S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	
136.159 Ensure universal access to comprehensive sexual and reproductive health services, without discrimination and in accordance with the commitments made, among others, in the Montevideo Consensus (Uruguay); Source of position: A/HRC/36/11/Add.1	Supported	E43 Access to sexual and reproductive health and services E41 Right to health - General F12 Discrimination against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented.
136.160 Continue the commitments made in terms of access to the voluntary termination of pregnancy in order to ensure full respect for sexual and reproductive rights (France); Source of position: A/HRC/36/11/Add.1	Supported	E43 Access to sexual and reproductive health and services E41 Right to health - General F12 Discrimination against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented. In 2020, the Ministry of Health edited an Ordinance that updated the procedures for legal termination of pregnancy. This Ordinance has been widely criticized by health professionals for bringing provisions that reinforce police surveillance of women and, consequently, will keep them away from safe abortion services.
136.161 Continue expanding access to voluntary termination of pregnancy in order to ensure the full recognition of sexual and reproductive rights (Iceland); Source of position: A/HRC/36/11/Add.1	Supported	E43 Access to sexual and reproductive health and services E41 Right to health - General	Not yet implemented.

		<p>F12 Discrimination against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	
Theme: F13 Violence against women			
<p>136.193 Follow up on the infrastructure of safe houses for abused women and make sure the legal framework is widely implemented and reaches women's reality (Austria); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>F13 Violence against women A42 Institutions & policies - General S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	Not yet implemented.
<p>136.194 Increase its focus on policy implementation to combat family violence, and in particular violence against women and children (Australia); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>F13 Violence against women D29 Domestic violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women</p>	Not yet implemented.
<p>136.191 Further strengthen mechanisms fostering prosecution of all perpetrators of sexual and gender-based violence (Slovakia); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>F13 Violence against women D51 Administration of justice & fair trial S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions</p>	Not yet implemented.

		Affected persons: - women - judges, lawyers and prosecutors	
136.192 Take measures to reduce the number of cases of violence against women and bring the perpetrators to justice (Togo); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women D51 Administration of justice & fair trial S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - judges, lawyers and prosecutors	Partly implemented It's worth mentioning the work carried out by the National Council of Justice in issuing resolutions and setting goals for the performance of the judiciary in cases of domestic violence. <u>Resolution No. 254/2018</u> established the National Judicial Policy to Combat Violence Against Women.
136.119 Take further efforts in combating violence against women such as enhancing the trust in the judicial system, measures to prevent violence, and promoting services and networks for women in rural areas (Spain); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - judges, lawyers and prosecutors	Not yet implemented.
136.196 Ensure the effective implementation of measures to prevent, punish and eradicate all forms of violence and discrimination against women and lesbian, gay, bisexual, transgender and intersex persons (Mexico); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women F12 Discrimination against women G1 Members of minorities S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not yet implemented.

136.186 Strengthen measures to eliminate violence and discrimination against women and girls, particularly in rural and remote areas (Islamic Republic of Iran); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - persons living in rural areas	Not yet implemented.
136.187 Take measures to combat violence against women and children (Iraq); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women F31 Children: definition; general principles; protection S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - children	Not yet implemented.
136.195 Strengthen policies and programmes to address violence against women and combat child prostitution (Indonesia); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women F33 Children: protection against exploitation S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - children	Not yet implemented. During the pandemic, the current government also proved itself unable to fully execute the budget available to respond to the increase in cases of domestic violence. Institute for Socioeconomic Studies' (INESC by its acronym in Portuguese) data point to the lack of resource allocation for the protection and defense of the rights of children and adolescents in the budget plan for the four-year period 2020 - 2023. Source: Chamber of Deputies Legislative Consulting Services Data INESC Report
136.183 Extend the "Women Living without Violence" programme, with particular attention to women and girls living in the countryside and to women and girls of Afro-Brazilian descent (Belgium);	Supported	F13 Violence against women G1 Members of minorities S05 SDG 5 - gender equality	Not yet implemented.

Source of position: A/HRC/36/11/Add.1		and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - minorities/racial, ethnic, linguistic, religious or descent-based groups - persons living in rural areas	
136.178 Continue the efforts to implement the “Women Living without Violence” programme launched in 2013 (Russian Federation); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented.
136.179 Pursue efforts to combat violence against women and promote the rights of women (Sudan); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented.
136.180 Continue efforts to combat violence, particularly against women (Tunisia); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented.
136.181 Take measures to stop violence that has cost the lives of more than five thousand women, and caused more than 500,000	Supported	F13 Violence against women S05 SDG 5 - gender equality	Not yet implemented.

rapes in the last year (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/11/Add.1		and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	
136.184 Continue its efforts to combat violence against women and girls (Egypt); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - girls	Not yet implemented.
136.188 Continue to adopt and implement effective measures to fight violence against women (Italy); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Not yet implemented.
136.190 Strengthen the capacity of police in cases of violence against women by expanding training and developing protocols to respond to cases effectively (Canada); Source of position: A/HRC/36/11/Add.1	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - law enforcement / police officials	Not yet implemented.
Theme: G1 Members of minorities			
136.221 Ensure the equal access of Afro-Brazilians to poverty reduction policies and social security benefits as a means of protection of their fundamental rights (Botswana); Source of position: A/HRC/36/11/Add.1	Supported	G1 Members of minorities E21 Right to an adequate standard of living - general E24 Right to social security	Not yet implemented.

		S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	
136.219 Continue to promote the rights of communities of African descent, in particular children's rights (Senegal); Source of position: A/HRC/36/11/Add.1	Supported	G1 Members of minorities F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented.
136.225 Establish mechanisms to eradicate stigma and discrimination against indigenous groups and ethnic minorities, including awareness-raising among public officials, accountability and redress mechanisms (Mexico); Source of position: A/HRC/36/11/Add.1	Supported	G1 Members of minorities G3 Indigenous peoples B31 Equality & non- discrimination S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not yet implemented.
136.220 Continue to improve procedures to ensure the rights of people of African descent (El Salvador); Source of position: A/HRC/36/11/Add.1	Supported	G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions	Not yet implemented.

		Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups	
Theme: G3 Indigenous peoples			
136.224 Ensure that indigenous peoples and other minorities are protected against all forms of discrimination (Philippines); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples Affected persons: - Indigenous peoples	Not yet implemented.
136.230 Guarantee adequate consultation and full participation of indigenous peoples in all legislative and administrative measures affecting them, protect indigenous people including indigenous human rights defenders from threats and attacks, and protect their land rights, in particular by strengthening protection programmers, completing pending land demarcation processes and providing adequate funding and capacity to the Indian National Foundation (FUNAI) (Germany); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General H1 Human rights defenders A63 Budget and resources (for human rights implementation) S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples - human rights defenders	Not yet implemented. There are several examples of policies, programs and promotion of private initiative activities undertaken in disregard of ILO Convention 169 and undermining the right to free, prior and informed consultation. Since the first day of the current government (2020), significant changes have been introduced in the federal administration without consulting indigenous peoples, quilombolas, and other traditional peoples. These changes restricted the rights of traditional peoples, changed the authorities responsible for the demarcation of indigenous and quilombola lands, and appointed military personnel to strategic positions in policies for indigenous people. There are also numerous examples of development projects that have been carried out in the territories violating free, prior and informed consultation. An emblematic case is the Ferrogão railroad in the Amazon. The Railroad project is temporarily suspended by a Federal Supreme Court order. The Draft Legislative Decree No 177/2021, which aims to denounce ILO Convention 169, could have a devastating effect on indigenous, quilombolas, and other traditional people's rights Source: <u>Instituto Socioambiental Study</u>
136.231 Continue its efforts to establish effective consultation processes with indigenous communities with respect to any project that may affect the land or livelihoods of indigenous peoples (El Salvador); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions	Not yet implemented.

		Affected persons: - Indigenous peoples	
136.232 Ensure an effective consultation process with indigenous peoples in all decision-making that might affect them (Estonia); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.233 Ensure indigenous peoples adequate consultation as well as full participation in all legislative or administrative measures affecting them (Iceland); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.236 Adopt an effective plan of action for the demarcation of indigenous lands and provide the necessary financial resources to ensure an effective policy for the protection of the rights of indigenous peoples and to prevent land-related conflicts (Switzerland); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented. A Technical Note from the Federal Prosecution Service pointed out that there is currently a situation of violation of rights of indigenous peoples that is unprecedented in the country. Examples of violations are a) complete paralysis of policies for the regularization of indigenous lands; b) dismantling of the National Indigenous Foundation (Brazil); and c) omission in the face of the advance of the Covid-19 pandemic among indigenous peoples. Source: <u>Technical Note from the Federal Prosecution Service</u>
136.237 Continue its process of demarcation of indigenous lands (Peru);	Supported	G3 Indigenous peoples A41 Constitutional and	Not yet implemented.

<p>Source of position: A/HRC/36/11/Add.1</p>		<p>legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples</p>	
<p>136.238 Take necessary measures to resolve and prevent conflicts related to land issues and to complete the land demarcation processes deriving from Article 231 of the 1988 Constitution (France); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples</p>	Not yet implemented.
<p>136.239 Speed up through executive action the processes of demarcation and protection of the lands of indigenous peoples and protect their respective rights (Cabo Verde); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples</p>	Not yet implemented.
<p>136.240 Advance with the agenda for the indigenous peoples' right to free, prior and informed consent (Norway); Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>G3 Indigenous peoples A41 Constitutional and legislative framework A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions</p>	Not yet implemented.

		Affected persons: - Indigenous peoples	
136.223 Guarantee the constitutional rights of Indigenous peoples including by ensuring the National Indian Foundation has the necessary resources to carry out its work, particularly relating to the demarcation of Indigenous lands, and take measures to conclude investigations into all killings of Indigenous Peoples (Canada); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented. Data from the Institute for Socioeconomic Studies (INESC) for 2020 show the low allocation of resources to FUNAI. Source: INESC Report
136.229 Establish and implement a clear procedure for free, prior and informed consultation that would ensure full participation of indigenous peoples in the decision-making process regarding any major project impacting on their way of life (Republic of Moldova); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.241 Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys (Paraguay); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A42 Institutions & policies - General A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.242 Develop and implement a comprehensive strategy on fighting discrimination and marginalization of indigenous peoples (Republic of Moldova); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A42 Institutions & policies - General B31 Equality & non-discrimination	Not yet implemented.

		S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	
136.227 Strengthen coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation (Maldives); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples A42 Institutions & policies - General B71 Human rights and the environment S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.228 Take measures to combat violence and discrimination against indigenous peoples (Togo); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples B31 Equality & non- discrimination D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.235 Continue to invest in poverty alleviation policies and to ensure more effective and targeted implementation, so as to reduce social and economic inequality, in particular for rural populations and indigenous peoples (Singapore); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples E21 Right to an adequate standard of living - general S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples - persons living in rural areas	Not yet implemented.
136.218 Adopt effective measures to support Indigenous Peoples, including by ensuring food, health services, schools, and access to	Supported	G3 Indigenous peoples E22 Right to food	Not yet implemented. Data from the Institute for Socioeconomic Studies (INESC) for 2020 show the low

sanitary services and by creating conditions for higher incomes (Russian Federation); Source of position: A/HRC/36/11/Add.1		E41 Right to health - General E51 Right to education - General S03 SDG 3 - health S04 SDG 4 - education S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	execution of the budget for the Indigenous Health Division of the Ministry of Health. Indigenous peoples and quilombolas have been severely impacted by the Covid-19 pandemic. The mortality rate among them was much higher than the national average. In addition, the pandemic has compromised their survival conditions and increased the exposure of their territories and the violence against them. Source: <u>INESC Report</u>
136.234 Ensure that indigenous peoples are protected from threats, attacks and forced evictions (Norway); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples E23 Right to adequate housing S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
136.222 Continue proactive measures to promote rights of indigenous peoples as well as of the Afro-Brazilian population and ensure their well-being (Bangladesh); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not yet implemented.
136.243 Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society (Holy See); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons:	Not yet implemented.

		- minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	
136.226 Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities (Holy See); Source of position: A/HRC/36/11/Add.1	Supported	G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not yet implemented.
Theme: H1 Human rights defenders			
136.117 Review its respective Decree of 2016 related to protection of human rights defenders in order to ensure wider participation of civil society and enhanced protection of human rights defenders and their families (Slovakia); Source of position: A/HRC/36/11/Add.1	Supported	H1 Human rights defenders A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not yet implemented. The protection program for Human Rights Defenders in Brazil has been regulated through Federal Government's Decrees: Decrees nº 604/2007, 9937/2019, and 10815/2021. Historically, the program is sustained in a fragile normative framework. A Draft Bill has been pending before the National Congress for over 10 years aimed at creating the legal framework for human rights defenders policies in Brazil. The program has not introduced any mechanisms for the significant participation of civil society either. The main changes applied to the HRDs' program in recent years consisted of a) 2019 - the inclusion of journalists and environmentalists in the official name of the Program; b) 2021 - provision of seats for representatives of civil society in the Program's Deliberative Council. The participation of civil society introduced in 2021 takes place in a context of accentuated restriction of civic spaces by the government. In this context, Decree No. 10815/2021 establishes a largely minority participation of civil society, within a selection process mediated and managed by the government itself, through the Ministry of Human Rights. In 2021, a federal court ruling ordered the federal government to draw up a national plan for the protection of human rights defenders, with the significant participation of civil society.
136.121 Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation	Supported	H1 Human rights defenders A42 Institutions & policies - General A63 Budget and resources (for	Not yet implemented. Data from civil society organizations show that the allocation of resources for the human rights defenders' program is irregular and the budget execution in recent years is low. Data from the Ministry of Human Rights estimate that 506 human rights defenders are included in the program. The inclusion of defenders in the

<p>against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multi-disciplinary teams to implement it (Ireland);</p> <p>Source of position: A/HRC/36/11/Add.1</p>		<p>human rights implementation) G3 Indigenous peoples Affected persons: - human rights defenders</p>	<p>program is variable each year. While threats and attacks against defenders have only increased in recent years, there is no consistent trend towards increasing inclusion of defenders in the program. These data by themselves demonstrate the program's instability, lack of capacity, and unreliability. The protective measures applied by the program, in turn, have a bureaucratic character of forwarding problems to other public bodies, demanding public security officials' service and poorly monitoring the defenders' routine. As a rule, the protective measures adopted by the program reveal slow and ineffective procedures.</p>
<p>136.111 Continue efforts to provide better protection to human rights defenders and strengthen civil society as an essential partner in boosting the human rights system (Tunisia);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders</p>	<p>The defenders' protection policy has also failed to ensure the implementation of state-level protection programs. In 2021, only 9 states had fully implemented this protection: Bahia, Ceará, Maranhão, Minas Gerais, Pará, Paraíba, Pernambuco, Rio de Janeiro, and Mato Grosso. There is, therefore, a large burden on the federal program to oversee HRDs' protection in 15 states that do not have state-level human rights defender's protection programs.</p>
<p>136.113 Provide full implementation of the National Policy for the Protection of Human Rights Defenders (State of Palestine);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders</p>	<p>Source: <u>Ministry of Human Rights</u> <u>Justiça Global e Terra de Direitos Report</u></p>
<p>136.115 Restore functionality of the National Programme for the Protection of Human Rights Defenders (Norway);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders</p>	
<p>136.116 Take more decisive steps towards implementing the National Programme for the Protection of Human Rights Defenders (Poland);</p> <p>Source of position: A/HRC/36/11/Add.1</p>	Supported	<p>H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions</p>	

		Affected persons: - human rights defenders	
136.118 Implement the National Plan for the Protection of Defenders (Australia); Source of position: A/HRC/36/11/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	
136.119 Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources (Czechia); Source of position: A/HRC/36/11/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	
136.120 Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks (France); Source of position: A/HRC/36/11/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not yet implemented.
136.122 Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders (Mongolia); Source of position: A/HRC/36/11/Add.1	Supported	H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not yet implemented.
136.112 Ensure that the deaths of human rights defenders are promptly and thoroughly investigated, and that those found	Supported	H1 Human rights defenders D51 Administration of justice & fair trial	Not yet implemented.

to be responsible are brought to justice (Belgium); Source of position: A/HRC/36/11/Add.1		S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	
136.114 Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders (Netherlands); Source of position: A/HRC/36/11/Add.1	Supported	H1 Human rights defenders D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Not yet implemented. Human rights defenders' killings have been prosecuted within the scope of state justice systems.

¹ A/HRC/36/11, 11-29, recommendations 136.88 (Denmark), 136.86 (Ghana), 136.87 (Turkey), 136.59 (Rwanda).

² Presidential Decree No 9,831/2019 made the mechanism's operational capacity unfeasible, framing the experts' work as a relevant unpaid public service.

Available at http://www.planalto.gov.br/ccivil_03/ato2019-2022/2019/decreto/D9831.htm In a report published in 2020, the National Mechanism for preventing and combating torture has indicated a lack of support, interference from the federal government, a decrease in the number of public civil servants, and a shortage of experts. Available at <https://mnpctbrasil.files.wordpress.com/2021/02/relatorio-bianual-2018-2019-mnpct.pdf>

³ Brazil must abide by international obligations and strengthen its torture prevention system, say UN experts. Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28114&LangID=E>,

⁴ A report produced by the National Council of Justice points out that the cases of torture registered in custody hearings are lower than those reported by civil society. Available at: <https://www.cnj.jus.br/wp-content/uploads/2022/01/informe-spt-fevereiro-22-10h-impresao.pdf>

⁵ The 6-year report of custody hearings by the National Justice Council shows that from 2015 to 2021, less than 5% of the cases of torture registered during custody hearings were investigated. Available at: <https://www.cnj.jus.br/wp-content/uploads/2021/09/relatorio-6-anos-audiencia-custodia.pdf>.

⁶ A/HRC/36/11, 11-29, recommendations 136.46 (Rwanda), 136.51 (Netherlands), 136.224 (Philippines), 136.230 (Germany), 136.231 (El Salvador), 136.232 (Estonia), 136.233 (Iceland), 136.236 (Switzerland), 136.237 (Peru), 136.238 (France), 136.239 (Cabo Verde), 136.240 (Norway), 136.223 (Canada), 136.229 (Republic of Moldova), 136.241 (Paraguay), 136.242 (Republic of Moldova), 136.227 (Maldives), 136.228 (Togo), 136.235 (Singapore), 136.218 (Russian Federation), 136.234 (Norway), 136.222 (Bangladesh), 136.243 (Holy See), 136.226 (Holy See), 136.121 (Ireland), 136.217 (South Africa), 136.32 (United Kingdom of Great Britain and Northern Ireland).

⁷ Afrodescendants communities, similar to tribal communities, considering international parameters.

⁸ According to Indigenous Missionary Council annual report. 2020 Data: "No demarcation has been implemented since 2016, and the processes initiated have been totally stalled". Available at <https://cimi.org.br/wp-content/uploads/2022/01/report-violence-against-the-indigenous-peoples-in-brazil-2020-cimi.pdf> Bolsonaro government titled only three quilombos, even under pressure from courts. Available at <https://www1.folha.uol.com.br/cotidiano/2021/08/governo-bolsonaro-titulou-so-tres-quilombos-mesmo-sob-pressao-da-justica.shtml> Data on the government's paralysis regarding the titling of quilombola lands are available in the Report "Right to quilombola land at risk – Territory recognition has a historic low in the Bolsonaro government", from Brazilian Association of Investigative Journalism and NGO Brazil Transparency. Available at https://www.achadosepedidos.org.br/uploads/publicacoes/Terra_Quilombola.pdf

⁹ The Articulation of Indigenous Peoples of Brazil and the National Coordination of Quilombos mobilized the Federal Supreme Court to compel the federal government to fulfil its minimum obligations to protect indigenous people and quilombolas during the Covid-19 pandemic. In 2020 and 2021, Supreme Court rulings forced the Brazilian State to draw up plans to combat Covid-19 and its impacts over indigenous and quilombolas peoples, respectively. Up to now, government policies have not been properly implemented.

¹⁰ See: <https://g1.globo.com/fantastico/noticia/2021/11/14/criancas-yanomami-sofrem-com-desnutricao-e-falta-de-atendimento-medico.ghtml>

¹¹ A/HRC/36/11, 11-29, recommendations 136.71 (Germany), 136.70 (Bolivarian Republic of Venezuela), 136.68 (Bahamas)

¹² “Chacina” Nova Brasília: Chronic impunity perpetuates cycle of violence and human rights violations, says Amnesty International Brazil, August 18, 2021, <https://anistia.org.br/informe/chacina-de-nova-brasilia-impunidade-cronica-perpetua-ciclo-de-violencias-e-violacoes-de-direitos-humanos-afirma-anistia-internacional-brasil/>

¹³ National Council of the Public Prosecutor's Office Resolutions. Available at <https://www.cnmp.mp.br/portal/sistema-prisional/448-atuacao/10909-controle-externo-da-atividade-policial>

¹⁴ As a last resort, the mobilization of the Federal Supreme Court by civil society has achieved some effects in Rio de Janeiro, albeit limited. In 2020 and 2022, Supreme Court rulings have: (a) suspended police raids in Rio de Janeiro's favelas during the Covid-19 pandemic; (b) compelled the State of Rio de Janeiro to develop a plan aimed at reducing police lethality; and (c) determined the installation of cameras and GPS equipment in police vehicles and on police uniforms in that state. Available at <https://portal.stf.jus.br/processos/detalhe.asp?incidente=5816502>

¹⁵ A/HRC/36/11, 11-29, recommendations 136.76 (Republic of Korea), 136.77 (South Africa), 136.95 (Australia), 136.96 (Thailand), 136.97 (Bahamas), 136.90 (Ireland), 136.75 (Namibia), 136.81 (Algeria), 136.95 (Australia), 136.96 (Thailand), 136.97 (Bahamas); 136.90 (Ireland), 136.75 (Namibia), 136.81 (Algeria), 136.82 (Angola), 136.83 (Austria), 136.84 (Cabo Verde), 136.89 (Holy See), 136.91 (Italy); 136.92 (Japan), 136.93 (Sweden)

¹⁶ Resolution No. 405 (2021) (establishes procedures for the treatment of migrants in prisons), Resolution No. 252 (2018) (establishes principles and guidelines for pregnancy and maternity in prison), Resolution No. 348 of 10/13/2020 (establishes guidelines and procedures for the treatment of the LGBTQ+ population in prisons), Recommendation No. 62 (aimed at guiding the adoption of measures for containing the spread of Covid-19 in prison)

¹⁷ Bill No 1600/2015 (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=1279584>), Bill No 6788/2013

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=601656>), Bill No 179/2003

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=105012>), Bill No 272/2016

(<https://www25.senado.leg.br/web/atividade/materias/-/materia/126364>), Bill No 5065/2016

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2082470>), Bill N° PL 5964/2013

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=585125>), Bill No 6198/2013

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=589500>), Bill N° 1768/2011

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=511312>), Bill No 5952/2013

(<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=584976>), Bill No 6268/2009 (<https://www.camara.leg.br/propostas-legislativas/456366>), 11) Bill No 1595 (<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2194587>). See also Special Procedures Communication to Brazil on Anti-terrorists Bill of Laws. Available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26450>

¹⁸ These include Bill No 191/2020 – authorization for mining and related development projects on indigenous lands; Bill No 2159/2021 – flexibilization of environmental licensing; Bill No 2633/2020 – regularization of land grabbing in public lands; and Bill No 6299/2002 – flexibilization of pesticides approval rules.

¹⁹ Law No 13.964/2019. Available at http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/L13964.htm

²⁰ Draft Bill No 3723/2019. Available at <https://www25.senado.leg.br/web/atividade/materias/-/materia/140042> and Draft Bill No 6438/2019. Available at <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2233986>

²¹ Data from Sou da Paz Institute. Number of gun licenses grows 325% in three years. Available at <https://g1.globo.com/jornal-nacional/noticia/2022/02/04/numero-de-licencas-para-uso-de-armas-cresce-325percent-em-tres-anos-diz-levantamento.ghtml>

²² It has been increasingly common in Brazil ostensive policing, using the support of Armed Forces, in cooperation to the public security system, through specific federal government decrees called Guarantee of Law and Order (GLO). See Law No 13491/2017, available at http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13491.htm

²³ These areas include women's rights, racial equality, environmental protection, and rights of Indigenous peoples and quilombolas.

²⁴ As an example, in 2021, the Ministry of Human Rights enacted Ordinance No. 45718, which created a working group, made up exclusively of government representatives, aimed at assessing the national human rights policy. This is an example of a measure that usurps the competent authority of the National Human Rights Council, which is the collegiate body composed by civil society and government representatives in charge, by law, of monitoring, evaluating, and reviewing the national human rights policy.

²⁵ Number of persons killed by police in 2020 in Brazil hits record; 50 cities concentrate more than half of deaths, reveals Brazilian Public Security Forum Annual Report Available at <https://g1.globo.com/sp/sao-paulo/noticia/2021/07/15/no-de-mortos-pela-policia-em-2020-no-brasil-bate-recorde-50-cidades-concentram-mais-da-metade-dos-obitos-revela-anuario.ghtml>

²⁶ Brazilian Public Security Forum. In three years, police killed at least 2215 children in Brazil. Available at <https://www1.folha.uol.com.br/cotidiano/2020/12/em-tres-anos-policiais-mataram-ao-menos-2215-criancas-e-adolescentes-no-pais.shtml>

²⁷ Killing of João Pedro Matos completes 1 year, and Amnesty International Brazil claims for answers, May 18, 2021, <https://anistia.org.br/informe/assassinato-de-joao-pedro-matos-faz-1-ano-e-anistia-internacional-brasil-exige-respostas>

²⁸ Ágatha Félix case: Amnesty International Brazil requires public security policy based on intelligence and training, September 21, 2020, <https://anistia.org.br/informe/caso-agatha-felix-anistia-internacional-exige-politica-de-seguranca-publica-baseada-em-inteligencia-e-treinamento/>. In 2020, the killings continued in Rio de Janeiro even in the face of the Supreme Court ruling suspending police raids in favelas during the covid-19 pandemic.

²⁹ A/HRC/36/11, 11-29, recommendation 136.68 (Bahamas), 136.65 (Republic of Korea)

³⁰ See Brazilian Public Security Forum. Violence against Black people in Brazil. Available at <https://forumseguranca.org.br/wp-content/uploads/2021/07/infografico-consistencia-negra-2019-final-ingles-site.pdf>

³¹ Available at <https://www.gov.br/inpe/pt-br/assuntos/ultimas-noticias/divulgacao-de-dados-prodes.pdf>

³² Going against the world, Brazil increased emissions in the middle of the pandemic. Available at <https://seeg.eco.br/en/press-release#>

³³ Such as indigenous peoples, quilombolas, other traditional peoples, and residents of favelas and other informal settlements.

³⁴ According to data compiled by the press. Violence against journalists and freedom of the press in Brazil. 2020 Report. National Federation of Journalists. Available at https://fenaj.org.br/wp-content/uploads/2021/01/relatorio_fenaj_2020.pdf

³⁵ PF investigations based on the National Security Law grow 285% under Bolsonaro government. Available at <https://politica.estadao.com.br/noticias/geral,inqueritos-da-pf-com-base-na-lei-de-seguranca-nacional-crescem-285-no-governo-bolsonaro,70003652910>

³⁶ Available at http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/lei/L14197.htm

³⁷ Brazilian government, by monitoring and surveilling NGOs and social movements, commits serious violations of human rights, Amnesty International warns, October 17, 2020, <https://anistia.org.br/informe/governo-brasileiro-ao-monitorar-e-vigiar-ongs-e-movimentos-sociais-comete-graves-violacoes-de-direitos-humanos-alerta-anistia-internacional/>

Amnesty International Brazil calls for an end on confidential investigations against critics of the federal government, July 27, 2020, <https://anistia.org.br/informe/anistia-internacional-exige-o-fim-de-investigacoes-sigilosas-contracriticos-do-governo-federal/>

³⁸ The Articulation of Indigenous Peoples of Brazil has denounced the techniques of persecution and criminalization used to silence indigenous leaders, including arrest, coercive warrant, home invasion, stalking, threats through social networks, exposure of family members, police and judicial harassment, and criminalization. See: Indigenous Peoples Rights International. An anatomy of practices for silencing indigenous leaders. Available at <https://apiboficial.org/files/2021/05/UMA-ANATOMIA-DAS-PRA%CC%81TICAS-DE-SILENCIAMENTO-INDI%CC%81GENA-1.pdf>

³⁹ Federal Police subpoena indigenous leader to clarify documentary that criticizes government's response to the pandemic. Available at <https://g1.globo.com/politica/noticia/2021/04/30/pf-intima-lider-indigena-por-documentario-que-critica-acao-do-governo-na-pandemia.ghtml>

⁴⁰ Indigenous leader who made denounces at COP26 has his house invaded for the second time in Santarém. Available at <https://g1.globo.com/pa/santarem-regiao/noticia/2021/11/13/lider-indigena-que-fez-denuncias-na-cop26-tem-casa-invadida-pela-segunda-vez-em-santarem.ghtml>

⁴¹ A/HRC/36/11, 11-29, recommendations 136.117 (Slovakia); 136.121 (Ireland); 136.111 (Tunisia); 136.113 (State of Palestine); 136.115 (Norway); 136.116 (Poland);

136.118 (Australia); 136.119 (Czechia); 136.120 (France); 136.122 (Mongolia); 136.112 (Belgium); and 136.114 (Netherlands).

⁴² A/HRC/46/35. Final warning: death threats and killings of human rights defenders. Available at <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CFI-killings-human-rights-defenders.aspx>

⁴³ In 2021, only 9 states had fully implemented protection programs at the state level.

⁴⁴ 2021 Brazilian Public Security Forum Monitor of Violence. Prison population declines, but Brazil still records overcrowding in prisons amid the pandemic. Available at <https://g1.globo.com/monitor-da-violencia/noticia/2021/05/17/populacao-carceraria-diminui-mas-brasil-ainda-registra-superlotaacao-nos-presidios-em-meio-a-pandemia.ghtml>

⁴⁵ 2021 Brazilian Public Security Forum Monitor of Violence. With 322 incarcerated per 100,000 inhabitants, Brazil remains in the 26th position in the ranking of the countries that most incarcerate in the world. Available at <https://g1.globo.com/monitor-da-violencia/noticia/2021/05/17/com-322-encarcerados-a-cada-100-mil-habitantes-brasil-se-mantem-na-26a-posicao-em-ranking-dos-paises-que-mais-prendem-no-mundo.ghtml>

⁴⁶ Brazilian Public Security Forum. The Prison System in 2020/2021. Available at <https://forumseguranca.org.br/wp-content/uploads/2021/07/11-o-sistema-prisional-em-2020-2021-entre-a-covid-19-o-atraso-na-vacinacao-e-a-continuidade-dos-problemas-estruturais.pdf>

⁴⁷ Data from the Brazilian Public Security Forum reveal a large deficit in the vaccination coverage of prisoners. The data also show high rate of Covid-19 infection among the prison population and the population of prison officials, in a context of great underreporting. The mortality rates for deaths due to Covid-19 between prison officials in some Brazilian states are alarming, also according to the Brazilian Public Security Forum Data. Available at <https://forumseguranca.org.br/wp-content/uploads/2021/07/11-o-sistema-prisional-em-2020-2021-entre-a-covid-19-o-atraso-na-vacinacao-e-a-continuidade-dos-problemas-estruturais.pdf>

⁴⁸ Since 2017, 259 prisoners have been killed in riots and conflicts across the country. Available at: <https://www.correiobraziliense.com.br/app/noticia/brasil/2019/07/30/interna-brasil,774493/desde-2017-259-presos-foram-mortos-em-rebelioes-e-conflitos-no-pais.shtml>

⁴⁹ Ministry of Human Rights. LGBTI Persons in Prisons Report. Available at <https://www.gov.br/mdh/pt-br/assuntos/noticias/2020-2/fevereiro/TratamentopenaldepeessoasLGBT.pdf>

⁵⁰ Id.

⁵¹ This entitlement is granted by Law N° 13,769/2018. See Land, Work and Citizenship Institute. Implementation of house arrest for women in Brazil in light of the Access to Information Law. Available at <https://ponte.org/wp-content/uploads/2021/12/Relatorio-LAI.pdf>

⁵² These include the Black population; indigenous, quilombola and other traditional peoples; women; LGBTI people and those living in favelas and disadvantaged neighborhoods on the outskirts of cities.

⁵³ Alert Group Report: Preventable deaths from Covid-19 in Brazil. Available at <https://alerta.org.br/iniciativas-e-pesquisas/mortes-evitaveis-por-covid-19-no-brasil/>

⁵⁴ 2021 National Survey of Food Insecurity in the Context of the Covid-19 Pandemic in Brazil. Available at http://olheparaafome.com.br/VIGISAN_AF_National_Survey_of_Food_Insecurity.pdf

⁵⁵ See 2021 Amnesty International Brazil Report. COVID-19 and human rights in Brazil. Pathways and challenges for a fair recovery. Available at <https://anistia.org.br/informe/novo-relatorio-covid-19-e-direitos-humanos-no-brasil-caminhos-e-desafios-para-uma-recuperacao-justa/>

⁵⁶ According to data collected by the press from the official database. 2 million families crossed the line to extreme poverty during the Bolsonaro government. Available at <https://noticias.uol.com.br/reportagens-especiais/mais-miseria-mais-fome/#cover>

⁵⁷ "Auxílio Brasil" program leaves 29 million people without financial assistance. Available at <https://economia.ig.com.br/2021-11-22/auxilio-brasil-deixa-pessoas-de-fora.html>

⁵⁸ Data from the Brazilian Institute of Geography and Statistics. 41.6% of workers work in the informal sector in 2019. Available at <https://agenciabrasil.ebc.com.br/economia/noticia/2020-11/ibge-informalidade-atinge-416-dos-trabalhadores-no-pais-em-2019>

⁵⁹ According to the Zero Eviction Campaign, 120,000 Brazilian families were at risk of being evicted in January 2022. Available at <https://www.bbc.com/portuguese/brasil-59352497>

⁶⁰ These include: (a) a greater suppression of access to basic infrastructure services; (b) a high proportion of Afro-descendant people in the poorest population strata; (c) high vulnerability and risk of returning to poverty; (d) significant inequalities in important indicators regarding quality of life and sexual and reproductive health; (e) a higher incidence on Afro-descendant populations of infant mortality, diarrhea in children under five years of age, teenage pregnancy and maternal mortality, as well as an increased risk of contracting HIV and associated infections; (f) poor access to services for early identification and timely treatment of certain noncommunicable diseases; (g) very high dropout rates among Afro-descendants and significantly lower levels of secondary education completion, and access to and completion of tertiary education; (h) more difficulties in accessing employment opportunities and higher levels of exclusion from the labor market; (i) a much higher chance of becoming victims of homicide, mass incarceration, gun violence and police violence than non-Afro-descendants, both men and women, with very noticeable discrepancies in the case of young men. Information compiled by ECLAC in Afro-descendants and the matrix of social inequality in Latin America: challenges for inclusion. Available at <https://repositorio.cepal.org/handle/11362/46872>

⁶¹ Report points out to cut in federal funds to combat racism. Available at <https://www.camara.leg.br/noticias/709406-relatorio-aponta-corte-em-verbas-federais-para-combate-ao-racismo/>

INDEX: AMR 19/5432/2022

MARCH 2022

LANGUAGE: ENGLISH

amnesty.org

⁶² National Association of Travestis and Transsexuals Annual Report. Killings and Violence against Brazilian transvestites and transsexuals in 2021. Available at <https://antrabrazil.files.wordpress.com/2022/01/dossieantra2022-web.pdf>

⁶³ Research from the Federal University of Rio Grande do Sul. Blacks are the preferred target of violence against the LGBT population in Brazil. Available at <https://g1.globo.com/sp/sao-paulo/noticia/2020/07/15/negros-sao-alvo-de-metade-dos-registros-de-violencia-contra-populacao-lgbt-no-brasil-diz-pesquisa.ghtml>

⁶⁴ Data from Brazilian Public Security Forum. Violence against girls and women in the pandemic year. Available at <https://forumseguranca.org.br/wp-content/uploads/2021/07/6-a-violencia-contra-meninas-e-mulheres-no-ano-pandemico.pdf>

⁶⁵ Budget for women's policies decreases in 2021. Available at <https://www.camara.leg.br/noticias/696379-ORCAMENTO-PARA-MULHERES-TEM-QUEDA-EM-2021>

⁶⁶ Criola warns about the increase in maternal mortality across the country, aggravated by Covid-19. Available at <https://criola.org.br/no-mes-de-luta-pela-saude-da-mulher-criola-alerta-sobre-o-aumento-da-mortalidade-materna-em-todo-o-pais-agravada-pela-covid-19/>

⁶⁷ Institute for Applied Economic Research. Black Women Dossier. Available at <https://www.gov.br/mdh/pt-br/centrais-de-conteudo/igualdade-racial/dossie-mulheres-negras-retrato-das-condicoes-de-vida-das-mulheres-negras-no-brasil>

⁶⁸ Pandemic deepens crisis in services for legal abortion and professionals seek a way out. Available at <https://www1.folha.uol.com.br/cotidiano/2021/03/pandemia-aprofunda-crise-em-servicos-de-aborto-legal-e-profissionais-buscam-saidas.shtml>

⁶⁹ Public Interest Lawsuit No. 5005594-05.2017.4.04.7100/TRF.