



**International Convention for  
the Protection of All Persons  
from Enforced Disappearance**

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Committee on Enforced Disappearances

**Information received from Brazil on follow-up to  
the concluding observations on its report  
submitted under article 29 (1) of the Convention\***

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



**1. Follow-up information relating to paragraph 13 of the concluding observations (CED/C/BRA/CO/1)**

1. Regarding the requested statistical data, the National Missing Persons Database (CNDP, in Portuguese) was created by Law n. 13,812, in March 16th, 2019, with the goal of implementing and supporting the National Missing Persons Search Policy (PNBPD, in Portuguese), according to Article 5 of the mentioned Law:

“Article 5. The National Missing Persons Database, which aims at implementing and supporting the policy addressed by this Law: [...] Paragraph 1. The relevant authority will implement, coordinate, and update the National Missing Persons Database in operational and technical cooperation with states and other federative entities.

Decree n. 10,622, from February 9th, 2021, which appointed the Federal central authority addressed by the aforementioned Law, created the Management Committee of the National Missing Persons Search Policy. It also regulated the PNBPD and the CNDP, establishing in its Article 14 that “the Ministry of Justice and Public Security will implement, coordinate and update the National Missing Persons Database.”.

2. It should be noted that the mentioned Database is currently in a deliberative stage for its effective implementation and consolidation; this is the reason why the requested data is still a work in progress. In this sense, such Database will contain data that may contribute with effective actions related to disappearance cases, including those of interest for this Committee. Therefore, it must be stressed that the aforementioned Law and Normative Act highlight the Brazilian State concern with the subject at hand.

**2. Follow-up information relating to paragraph 15 of the concluding observations**

3. In relation to the adoption of an autonomous offense to criminalize enforced disappearance, it must be informed that in 2013 the Federal Senate approved Senate Bill n. 245/2011, which aims to include in the Criminal Code Article 149-A the specific offense of enforced disappearance. The above mentioned project was forwarded in this same year to the House of Representatives. It is worth mentioning that in March 2020 the General Coordination of Disappeared Persons (CGD, in Portuguese), part of the Department of Human Rights Promotion and Education (DEPEDH, in Portuguese), within the National Secretariat of Global Protection of the Ministry of Women, Family and Human Rights, issued a Technical Note expressing a favorable opinion, with suggestions, regarding the mentioned Bill, highlighting the following excerpt:

“[...] the creation of the suggested criminal type seems appropriate, with a tough criminal sanction, that may have the power to help, even if in an subsidiary way, in the prevention of enforced disappearances. [...] It is understood, however, that the adoption may help, depending on the legal hermeneutics applied by Legal actors, charging adequately members of violent criminal organizations and militias as possible agents of such crimes, which would entail more severe sentences for certain actions of these individuals, in comparison with the sanctions currently established.”.

4. It demonstrates, in this sense, Brazil's interest in welcoming the recommendations submitted by the Committee on Enforced Disappearances (CED).

**3. Follow-up information relating to paragraph 19 of the concluding observations**

5. Regarding the military jurisdiction, the discussed report highlights the Brazilian State statement in the following terms:

“18. The Committee notes the State party's affirmation that the existing legal framework, including Law No. 13491/2017, ruled out military jurisdiction for cases of enforced disappearance. However, the Committee observes that, under certain

conditions specified in this law, jurisdiction is transferred from civil to military courts in cases of intentional crimes against life committed by military personnel against civilians. [...]".

6. And reinforces the following recommendation:

Recalling its statement on enforced disappearance and military jurisdiction, the Committee recommends that the State party swiftly take the measures necessary to ensure that the investigation and prosecution of cases of enforced disappearance is expressly excluded from the competence of military courts.

7. In this sense, the Brazilian government takes note of this recommendation, reaffirming that the Brazilian Military Justice is not competent to prosecute and judge cases related to enforced disappearance.

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