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Human Rights Committee

**Third periodic report submitted by Brazil under
article 40 of the Covenant, due in 2009** ***

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** The annex to the present report may be accessed from the web page of the Committee.



List of Acronyms

ADI	Direct Action Based on Unconstitutionality
ADCT	Temporary Constitutional Provisions Act
ADPF	Claim of Breach of Fundamental Precept
CadÚnico	Sole Registration
CDDPH	Human Rights Defense Council
CF	Federal Constitution
CNIG	National Council for Immigration
CNJ	National Justice Council
CNPI	National Council for Indigenous Policy
COETRAE	State Commission for Eradication of Slavery
CONAB	National Supply Company
CONALIS	National Coordination Office for Promotion of Freedom of Association
CONASP	National Council of Public Security
CONATRAE	National Commission for Eradication of Slavery
CPI	Congressional Investigating Panel
CREAS	Specialized Reference Center for Social Assistance
DAS	Head offices and assisting positions
DEAM	Specialized Police Unit for Assistance to Women
DEPEN	National Prison Department of the Ministry of Justice and Public Security
<i>Disque 100</i>	Human Rights Hotline
ECA	Statute of the Child and Adolescent
EGD	Digital Governance Strategy
ENASP	National Justice and Public Security Strategy
ENCCLA	National Strategy for Combating Bribery and Money Laundering
e-SIC	Electronic System for Provision of Information to the Citizen
FCP	Palmares Cultural Foundation
FNDE	National Fund for Development in Education
FUNAI	National Indian Foundation
IBCCRIM	Brazilian Institute of Criminal Sciences
IBGE	Brazilian Institute of Geography and Statistics
IDC	Motion for Change of Jurisdiction
INCRA	National Institute of Colonization and Agrarian Reform
INFOPEN	National Survey of Penitentiary Information
IPEA	Institute of Applied Economic Research
LAI	Information Access Law
Ligue 180	Assistance Center for Women Hotline
LOAS	Organic Law of Social Assistance

MDH	Ministry of Women, Family and Human Rights
MC	Ministry of Citizenship
SE	Secretariat for Sports
MEC	Ministry of Education
SCult	Secretariat for Culture
MJPS	Ministry of Justice and Public Security
MPF	Federal Prosecution Service
MPT	Labor Prosecution Service
MROSC	Civil Society Organizations Regulatory Framework
ME	Ministry of Economy
MUNIC	Research on Basic Municipal Information
OAB	Brazilian Bar Association
ObservaRio	Observatory for Human Rights of the Federal Intervention in Public Security in the State of Rio de Janeiro
OAS	Organization of American States
ILO	International Labor Organization
OSCs	Organizations of the civil society
PAC	Growth Acceleration Program
PBQ	Brasil Quilombola Program
PEESP	Strategic Plan for Education within the Scope of the Prison System
ICCPR	International Covenant on Civil and Political Rights
PJe	Electronic Proceeding
PMA	Alternative Penalties and Measures
PNAD	National Household Sample Survey
PNAISP	National Policy for Comprehensive Health Care for Persons Deprived of their Liberty in the Prison System
PNATER	National Technical Support and Rural Extension Program
PNDH-3	3rd National Human Rights Program
PNETP	National Plan to Combat Human Trafficking
PNGATI	National Policy for Land and Environmental Management in Indigenous Lands
PNOs	National Concession Plan
PNSPDS	National Public Security and Social Defense Policy
PNSSP	National Plan for Health in the Prison System
UNDP	United Nations Development Programme
MYP	Multi-Year Plan
PPDDH	Program for the Protection of Human Rights Defenders
PRONATEC	National Program for Access to Technical Education and Employment
PROVITA	Program for the Protection of Victims and Threatened Witnesses
RENAESP	National Network for Advanced Studies in Public Security
SEDH	Special human rights department

SEEU	Unified Electronic Enforcement System
SEPIR	Office for Policies for Promotion of Racial Equality
SIM	Mortality Information System
SINESP	National Information System for Public Security, Prison and Drugs
SISDEPEN	Information System of the National Prison Department
SINAVT	National System of Information on Victims and Witnesses
SNC	National Office for Citizenship
SNDH	National Office for Human Rights
SNIDH	National Human Right Indicators System
SPM	Special Office of Women's Policies
STF	Brazilian Supreme Court
STJ	Superior Court of Justice
SUAS	Unified Social Assistance System
SUSP	Unified Public Security System
TSE	Superior Electoral Court
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime

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Introduction

The Government of the Federative Republic of Brazil presents its 3rd Report on the International Covenant on Civil and Political Rights, (from now on referred to as “Covenant”), pursuant to the provisions in article 40.

This Report presents the main legislative, judicial, and administrative measures implemented by the Brazilian Government in order to assure the rights provided for in the Covenant, without any distinction or discrimination. The Report covers the period of 2004 to 2017. Measures adopted prior to this period may be mentioned in order to contextualize or answer specific questions indicated by the Committee. Some priority initiatives, which took place in 2018 or later, were also contemplated.

Throughout the text, references are made to information included in the 2nd Report. Additionally, the tables in the text include statistical data and can be found in the Attachment.

Article 1 Right to self-determination

1. The 2nd Report presented by Brazilian Government in 2004 provides for the main legal framework for guaranteeing the right to self-determination in Brazil, namely: Brazilian Federal Constitution, arts. 1, 4, 215, 216, 231, 232; Decree 4887/2003; and Law 19,639/2003.

2. The Brazilian society is marked by cultural plurality, with the presence of indigenous peoples, quilombola communities, roma populations, traditional communities, artisanal fishing communities, extractive communities, among others. The Brazilian Government has endeavored to implement public policies aiming at guaranteeing the political, civil, cultural, economic, and social rights. In order to protect the rights of such groups, the Government has adopted strategic public policies for income transfer, especially the Bolsa Família program.

3. An important tool for the implementation of public policies is the Single Registration System (Cadastro Único (CadÚnico)), a data and information collection instrument aiming at identifying all low-income families in the country. This program includes families with a monthly income of up to half a minimum wage per person. In Table 1, it is possible to identify the number of families from traditional communities registered in CadÚnico and the Bolsa Família Program.

Indigenous peoples

4. The Brazilian Government respects the constitutional principle of self-determination of peoples, as illustrated, nationwide, in the demarcation of indigenous lands and the participation of indigenous peoples in decision-making processes affecting their interests. Article 231 of the Federal Constitution ensures indigenous peoples’ rights to the land they traditionally occupy and establishes the Government’s duty to demarcate and protect them. Decree 1,775/96 provides for the administrative procedure of demarcation of indigenous lands, determining the participation of the indigenous group involved in all the phases of the demarcation process, ensuring them the legitimate and inalienable right to the certified demarcated land.

5. There are currently, 435 recognized indigenous lands, of a total of 682 claims, which altogether comprehends an area of approximately 116,900,565.3634 hectares (ha), representing 22.29% of the Brazilian territory. Table 2 presents data on the current legal situation of the demarcation of indigenous lands.

6. The National Indian Foundation (FUNAI) has an important role in training civil servants and members of the security forces to work in indigenous lands regarding issues such as environmental and indigenous laws and regulations, basic cartography, and irregular occupation promoted by non-indigenous people. FUNAI’s budget is shown in Table 3. Measures are also being developed to protect the rights of those indigenous groups that still remain isolated, such as the creation of a General Coordination Unit of Uncontacted Indigenous Peoples within the scope of FUNAI. There are records of about 70 such groups in the Amazon region.

7. The National Policy for Land and Environmental Management in Indigenous Lands (PNGATI), created in 2012, aims to promote the ethnic development of these territories. It seeks to establish the conditions for indigenous peoples' development, respecting their identity, through the creation of territorial management plans.

8. Likewise, the National Technical Support and Rural Extension Program (PNATER), plays an important role in fostering the ethnic development and food safety of indigenous communities by providing technical support and monitoring to their production process. The Technical Support and Rural Extension Program is part of the PNGATI. Since June 2014, public authorities have also worked through technical cooperation agreements on joint actions aiming at providing technical support and rural extension services to indigenous peoples, respecting their ethnic and cultural specificities. In 2016, technical assistance and promotion for agricultural production were provided to 12,525 indigenous families, from the Technical Support and Rural Extension public calls in progress under the Program for the Promotion of Rural Productive Activities of the Brasil sem Miséria Plan.

9. The Multi-Year Plan (PPA) 2016-2019 establishes, as a goal in the Thematic Program 2065 – Protection and Promotion of the Rights of Indigenous Peoples, assistance to 40,000 indigenous families per year, with ethnic development projects aimed at food and nutritional safety and income generation.

10. In addition, as mentioned, indigenous peoples are included in social programs such as CadÚnico (155,712 families) and the Bolsa Família cash transfer program (114,903 families).

11. The last demographic census conducted by the Brazilian Institute of Geography and Statistics (IBGE) in 2010, points to the existence of 274 indigenous languages belonging to 305 different ethnic groups in Brazil. To value the culture and identity of these indigenous peoples, the Secretariat for Culture (SCult) promotes, in partnerships with other public bodies, several actions, such as the language preservation. The first Indigenous World Games was held in Brazil in 2015. The competition brought together more than 2 thousand athletes, representing 30 nationalities and 24 ethnicities.

12. The Network of Culture Points (with a total of 30 culture points) developed by the SCult, in a partnership with FUNAI, aims at fostering and preserving indigenous cultures. In addition, the Government supports initiatives such as the Indigenous Living Memory (Memória Viva Indígena) project, by the NGO Thydêwá in a partnership with indigenous communities in the Northeast. In 2018, the initiative compiled 67 ethnographic videos based on the practices of more than 100 indigenous people linked to eight Culture Points in the states of Pernambuco, Alagoas, Sergipe, and Bahia.

Quilombolas Communities

13. The Federal Constitution, in its art. 216, establishes the governmental trust of all documents and sites of historical relevance of the ancient quilombos (African-Brazilian communities of escaped slaves). Article 68 of the Transitional Constitutional Provisions Act establishes the permanent possession of the lands occupied by the quilombolas, conferring to the Federal Government the responsibility for issuing the respective land titles.

14. This provision is regulated by Decree 4,887/03, which allows the communities to define themselves as quilombolas and to present a claim over the area that should belong to them. In 2017, an important decision of the Brazilian Supreme Court (STF) within the scope of the Direct Action Based on Unconstitutionality (ADI) 3239 recognized the constitutionality of that decree and confirmed the right to self-determination of quilombola communities.

15. Data from the National Institute of Colonization and Agrarian Reform (INCRA) of 2016 indicate that there were 1,532 processes pending decision and 241 titled communities, totaling 1,046,300.3434 ha, benefiting 16,009 families. Over the last decade, the certification process experienced a significant advance; between 2009 and 2018, 1,804 quilombola communities were certified (Table 4).

16. The Brasil Quilombola Program (PBQ) was launched in 2004 to consolidate the national policy frameworks for quilombola areas. The Quilombola Social Agenda (Decree 6261/2007) consolidates actions aimed at communities in the following areas: access to land;

infrastructure and quality of life; productive inclusion and local development; and rights and citizenship. These initiatives are integrated and implemented by eleven agencies, coordinated by the Secretariat for the Promotion of Racial Equality (SEPPIR).

17. Within the scope of the PBQ, quilombola communities can be incorporated into the National Program for Strengthening Family Agriculture, provided they are certified by the Palmares Cultural Foundation and request access to financing. Additionally, the Federal Government created the Quilombos do Brasil Seal, also under the Brasil Quilombola Program (PBQ). It is a certificate of origin, conferring cultural identity to products of quilombola origin. 68 Quilombos do Brasil Seal were awarded between 2012 and 2017.

18. As mentioned, quilombola individuals are included in social programs such as CadÚnico (171,857 families) and the Bolsa Família cash transfer program (119,837 families).

19. The SCult trains quilombola communities under the National Training Program for Cultural Managers and Counselors, in order to qualify leaders for the construction and management of municipal culture systems, which includes: planning, council, conference, and culture financing systems, with the creation of municipal funds.

Romani People

20. Official data on Romani people are still incipient. Pursuant to data from the Research on Basic Municipal Information (MUNIC) of the Brazilian Institute of Geography and Statistics (IBGE), in 2011, 291 Romani camps were located in 21 federal states. The states with the highest concentration of Romani camps are: Bahia (53) Minas Gerais (58), and Goiás (38). The cities with 20 to 50 thousand inhabitants show higher concentration of camps. Out of 291 municipalities that reported having Romani camps on their territory, 40 municipal governments developed public policies for Romani people, which corresponds to 13.7% of the municipalities. The total Romani population in Brazil is estimated in the range from 500 to 800 thousand people.

21. In 2012, the Government established the Inter-Ministerial Working Group on Romani People, led by the Secretariat for the Promotion of Racial Equality (SEPPIR) and composed of six Ministries and Secretariats. In 2013, the event Brasil Cigano: I National Week of Romani People was held in Brasília, bringing together about 300 Romani people representing 19 states and the Federal District.

22. Preparatory meetings with the participation of national leadership of the Romani people were held during 2017, aiming at creating the First National Plan for Romani People, pursuant to the guidelines and rules included in Ordinance No. 1,315 of 23 November 2016.

23. The establishment of May 24 as the National Romani Day was a landmark decision. In addition, the Romani Statute, Bill 248/2015, is under consideration by the National Congress. It seeks to address discrimination; realize the right to education; access to land; adoption of affirmative action measures, programs and policies, and; the recognition of ranches and camps as “inviolable asylum”, among others.

24. The SEPPIR is the main agency responsible for coordinating public policies for Romani people. Initiatives implemented by SEPPIR include:

- basic documentation and civil registration; security in camps, and promotion of conflict mediation, inclusion in CadÚnico, access to programs such as Bolsa Família, Minha Casa Minha Vida, right to Itinerant Education, access to the National Program for Technical Education and Employment (PRONATEC), the Family Health Program, the Oral Health Program (Brasil Sorridente), Access to the Unified Social Assistance System (SUAS) Network, Romani Cultures Award, access to Culture Points and land regularization.

25. In addition, Romani people are included in social programs such as CadÚnico (9,684 families) and the Bolsa Família cash transfer program (4,825 families). Based on an average benefit of R \$ 200.00 per family, it is estimated that approximately R\$3 million was allocated in 2018.

Participation in spaces of dialogue, decision-making processes, and right to prior consultation

26. The Brazilian Government has adopted several measures as to ensure the relevant involvement of the traditional communities and peoples in planning and monitoring public policies related to the defense and promotion of their rights.

27. In 2016, the National Council for Indigenous Policy (CNPI) was created, as a collegiate consulting agency responsible for the preparation, monitoring, and implementation of public policies aimed at Indigenous peoples.

28. The Brazilian Government is consulting with the traditional, indigenous, and quilombola peoples to ensure the participation of representatives in the regulation process of Convention No. 169 of the International Labor Organization (ILO), ratified by Brazil in 2002.

29. The Brazilian Government has insisted in the dialogue with traditional and indigenous organizations. The Convention was translated into the languages Ticuna, Terena, and Guarani and disseminated in at least 14 different meetings with indigenous peoples. Dialogue with quilombola people is ongoing in order to adopt implementing regulations of Convention No. 169.

30. The Judiciary Branch has acknowledged the primacy of the right to prior consultation (Table 5). The indigenous peoples have actively participated in discussions on this issue, having produced independent protocols to enable implementation of the prior consultation for the Krenak, Munduruku, Wajãpi, Xingu, Juruna, and Munguba and Mangabal communities. There is also a protocol for quilombola communities, produced by the Federation of the Quilombola Communities of Santarém.

31. The National Conference for Protection and Promotion of Rights of Peoples, held in 2015, provides another mechanism for direct political participation of indigenous peoples. More than 30 thousand indigenous peoples' representatives participated in the Conference. It carried out an assessment of the indigenous action implemented by the Brazilian Government, reaffirming the guarantees recognized by the State and proposing guidelines for the construction and consolidation of the national policy directed to indigenous persons.

Violence against indigenous peoples, quilombola communities and rural-area communities

32. The Program for the Protection of Human Rights Defenders, Communicators and Environmental Defenders (PPDDH) has also been monitoring and coordinating actions and measures for protection, prevention, and resolution of conflicts in indigenous lands and Quilombola communities, offering protective measures for persons threatened as a result of conflicts related to land demarcation and regularization.

33. In September 2018, PPDDH was reformulated, enhancing its scope to include social communicators and environmentalists. Based on the new regulatory framework enacted through Ordinance No. 300/2018, the target group of the program now includes in addition to human rights advocates, environmentalists and social communicators.

Article 2**Measures of legislative, administrative, and judicial nature for implementation of the right provided for in the Covenant**

34. Brazil has reinforced and consolidated its legal and institutional framework in order to implement the Covenant. The National Secretariat for Human Rights (SNDH), linked to the Ministry of Justice was created in 1997. In 2010, it was renamed Special Secretariat for Human Rights (SEDH) and received ministerial status. In 2015, the Secretariat was integrated into the Ministry of Women, Racial Equality, and Human Rights (MMIRDH). The budget of the Ministry of Human Rights is disclosed in Table 6.

35. In 2016, MMIRDH was extinguished and SEDH and other special offices of the Ministry (Special Secretariats for Policies for Women (SPM) and for Policies for Racial Equality (SEPPIR)) were transferred to the Ministry of Justice and Citizenship (MJC). In

2017, the Ministry of Human Rights (MDH) was created, composed of the former special offices of MJC (SPM and SEPPIR). The Special Secretariat for Human Rights was transformed into the Special Office for Citizenship (Table 7). The agency was renamed Secretariat for Global Protection, with the structure of the new Ministry of Women, Family and Human Rights (MDH), in 2020.

36. The Secretariat for Global Protection is guided by the Brazilian Federal Constitution, the laws and regulations applied to human rights, the international legal framework and of the 3rd National Human Rights Program (PNDH-3). It seeks to ensure development of the national policy for human rights through actions for promotion and education, as well as protection and defense, in the following fields, among others: right to memory and to truth, enforced disappearances due to political reasons; religious diversity; rights of LGBT persons; rights of population in street situation; promotion of civil registry and birth certificate; education on human rights; protection of human rights defenders; protection to victims and to threatened witnesses; fight against torture; modern day slavery, and businesses and human rights.

37. The Secretariat has fostered the integration of human rights agencies at a state level, through the Human Rights State Managers' Meeting, which aims to implement and monitor human rights public policies.

Motion of human rights-related crimes to federal bodies

38. Constitutional Amendment No. 45/2004 established the legal instrument Motion for Change of Jurisdiction (IDC) to the Federal Courts for investigation and rulings of severe violations of human rights.

39. Until 2018, three cases of IDC were granted.¹ The first one refers to the murder of the advocate for human rights Manoel Mattos, author of several complaints against the actions of death squads in the Northeast. The request for IDC was granted in 2009, and it was the first instance of such nature in the history of the Country. In 2013, IDC was requested regarding crimes with suspected participation of extermination groups formed by public officials in the murders of homeless people in Goiás. Among 40 cases of murder, torture, or disappearance of homeless people in the state, eight criminal suits and police inquiries were referred to the Federal Courts. Furthermore, it was determined that cases that remained at the state level should be treated as priority.

40. In 2014, the third case of IDC was granted, regarding investigation, processing, and judgment of the perpetrators of the murder of Thiago Faria Soares, public prosecutor of Itaíba, State of Pernambuco. There are suspicions that the case may be related to actions taken by extermination groups in the state, as well as the public office held by the victim.

3rd National Human Rights Program

41. Over the last few years the Brazilian Government used several efforts to insert the human rights agenda across all Government policies developed by several public administration bodies, especially through the national human rights program, already in its 3rd edition (PNDH-3). The Interministerial Committee for Follow-up on and Monitoring of the PNDH-3 consists of 21 governmental bodies, including representatives of the other Branches of Government, and the civil society may participate in its meetings.

42. At the same time, the Observatory for the PNDH-3,¹ a computerized system fed by the several bodies involved in the program, was created. This tool enables citizens to check on any of the PNDH-3 program actions' stage of implementation, in addition to assessing proceeds and projects. The Observatory thus makes possible the participation of several civil society stakeholders in the definition of the course of public policies.

Ombudsmen Offices and report channels

43. The National Ombudsman for Human Rights Office and the Disque Direitos Humanos (Disque 100) are report channels developed in the scope of the National Office for

¹ Available at: <http://www.pndh3.sdh.gov.br/>.

Citizenship. Table 8 and Table 9 show the number of requests answered, sorted by type and year. Data regarding the reports received by module (children and teenagers, elderly persons, persons with disabilities, LGBTs, population in street situation, persons deprived of liberty, among others) are in Table 10. Additionally, actions have been taken to publicize the channel in social media and through free media.

44. Lastly, it is worth to mention other existing channels of information, guidance, and reporting related to specific groups, such as the Call Center for Women (Ligue 180) and the Ombudsmen Office for Racial Equality, developed in the scope of the Special Office for Policies for Promotion of Racial Equality – SEPPIR.

Article 3

Gender equality

45. The 2nd Report presents the main milestones guiding the policies and actions developed by the Brazilian Government to ensure gender equality and protection of women rights. Namely: Federal Constitution, arts. 3, 5, 7, 226; Law No. 10,224/2001; and Law No. 10,406/2002.

Job Market

46. With respect to the guarantee of gender equality in the job market, data indicates a positive evolution regarding the average income to the benefit of women: while the average income of men showed a 31% increase from 2004 to 2011, the average income of women showed a 44% increase in the same period (Table 11). A relevant evolution was also noted in the officially recognized employment level for women, which showed a 5.93% increase from 2011 to 2012. From 2014 to 2017, the gender pay gap decreased moderately. According to data obtained from the National Household Sample Survey (PNAD), in 2014, the actual monthly average income of all works carried out by women was 74.5% of men's income; in 2017, this percentage was 77.5% (Table 12).

47. According to UN Women Report “The Progress of the World’s Women 2015-2016” the labor market in Brazil has been opening up for women over the last three decades. Women went from 26% to 44% of the total amount of employed persons in the country (1980 and 2010 census). From 2004 to 2014 (PNAD) more than 7.1 million women, aged 16 and more, entered the job market. Brazilian public policies also made a significant difference in the quality of women employment: among formal employment bonds, there was a growth of more than 9.6 million from 2003 to 2014. This represents millions of Brazilian women who gained access to a more comprehensive set of labor rights, such as vacation pay, allowances, overtime pay, unemployment benefits, and social security in cases of health issues or work-related accidents.

48. In 2004, 19% of Afro-Brazilian women were employed by the sales industry, manufacturing industry, housing, food, and healthcare, education, and social services. In 2014 this number rose to 25% and even if “domestic worker” is the main occupation among Afro-Brazilian women, there was a decrease from 21.5% to 17.6%, white women corresponded to 10% of the domestic workers.

49. In 2013, Constitutional Amendment No. 72 granted several labor rights to this category. In addition to access to the Government Severance Indemnity Fund for Employees (FGTS), employees were entitled to a maximum of 44 work hours a week (not more than 8 hours a day); overtime pay; night shift premium, and unemployment benefits.

50. In 2005, the launching of the Gender and Race Pro-Equity Program granted a 12-month Gender and Race Pro-Equity Seal to institutions developing new concepts of people management and organizational culture with a view to achieving gender equity in the labor market.

Women in positions of power

51. Over the last few years, Brazil has been showing important progress in the promotion and strengthening of equal, plural, and multiracial participation of women in positions of

power and decision making. An important achievement in this regard was the inclusion of gender dimension in the mini-reform in the electoral process in 2009 (Law No. 12,034/2009), given the history of under-representation of this group in political environments. Based on the abovementioned Law, the Government created mechanisms to encourage participation of women in political parties, especially the order for mandatory performance of the obligation to have a minimum of 30% of women running for proportional electoral offices.

52. In this regard, the National Forum of Women's Instances in Political Parties as a multiparty gathering to work towards capacity building and education on politics for women, aiming at including them into internal boards of political parties, as well as to include gender discussions in the agendas of political parties.

53. There was an increase in the participation of women in the dispute for offices in 2014 general elections in comparison to the 2010 elections. In 2014, 31% of the candidates registered with the Electoral Court were women, amounting to a total of 8,120 women. In 2010, there were 5,056 female candidates, accounting for 22.43% of the total. In 2016 Municipal elections, women corresponded to 32% of the candidates. Regarding candidates elected in 2016, women corresponded to 33.09% of the elected councillors, and 12.98% of elected mayors.

54. Although no significant change was noted in the House of Representatives, where the percentage of elected women remained the same from 2002 to 2010, there was a positive evolution in the Senate (a 0.6 percentage points increase); in the municipal governments (a more than 100% increase from 2004 to 2016). Data presented in Tables 13 to 17 reveal the evolution of the number of women holding positions of power and decision, with more details.

55. Despite progress made, the challenge still remains of increasing the number of elected women beyond the minimum quota of 30% of female candidates to the proportional positions, as established by law. In 2010, few parties reached the quota of female candidates; in 2012, on the other hand, the quota was reached in case of candidacy for the position of councilman (31.9% female candidates), but the results of the elections showed that there is still a level of female under-representation in political positions.

56. In the 2014 elections, the number of female candidates increased in 38% in comparison with the preceding elections. In the electoral process for the municipal positions of mayor and councilman in 2016, the number of female candidates remained a little higher than in the preceding elections (31.5% in 2012 and 32% in 2016); however, in both, the percentage of elected women remained low.

57. One of the measures to ensure participation of women in politics was taken by the Superior Electoral Court – TSE in 2018, with respect to the use of funds transferred to the parties by the Electoral Fund for campaigns. TSE established the minimum investment of 30% of the total amount received by the parties to fund the electoral campaign of female candidates. Considering that the amount of the Electoral Fund for the 2018 elections corresponds to R\$1.7 billion, it means that more than R\$500 million shall be directed to female candidacies.

58. Another relevant indicator concerning the role played by women in the political life of the country is the presence of women as heads of Ministries in the Federal Government. From 2002 to 2013, there was a 300% increase in the positions occupied by women in Ministries. This presence continues to this day in key positions such as the MDH.

59. Regarding the senior management and advising positions (DAS) within the scope of the Government, the presence of women varies according to the hierarchy of the positions occupied. Thus, in 2013, among the more than 22 thousand commissioned positions, women occupied 9,594 positions, which represented 43% of the total. The higher the hierarchy of the positions, the smaller the number of women in DAS positions, as noted in Table 18.

Violence against women

60. Violence against women is one of the main challenges currently faced by the Brazilian Government related to the promotion and protection of human rights. From 2005 to 2015, the Call Center for Women – Ligue 180 registered 4,708,978 reports of violence against women (Table 19). In that same period, 67.36% of cases were committed by men who had some affective relationship with the victims: partners, spouses, boyfriends or lovers, ex-

partners, ex-spouses, ex-boyfriends, or ex-lovers of the victims. About 27% of the reports mentioned family members, friends, neighbors, and acquaintances as perpetrators of the violent acts. In 2016, the report channel registered 1,133,345 assistances; and Ligue 180 received more than 560 thousand calls in the 1st semester of 2017. Additionally, the International Disque 180 offered support to Brazilian women abroad, covering thirteen countries.²

61. As of 2003, the Brazilian Government started to consider fighting violence against women as a priority action in the government's agenda, seeking to strengthen and increase multisector measures and actions intended for fighting and punishing the perpetrators of such offenses.

62. Accordingly, a historic achievement was the 2006 enactment of Law No. 11,340/2006, known as Maria da Penha Law, which creates mechanisms to fight violence against women in the familiar and domestic environment. The law classifies violence against women as a crime; changes legal procedures and police authority for the approach to the cases; and enables offenders to be arrested when caught in the act or be subject to pre-trial detention; and creates the Small Claims Courts for Domestic Violence. This is a very well-known law nationwide: according to a recent survey, 100% of Brazilian women have heard of the law before (DataSenado).

63. In order to implement and enforce the Maria da Penha Law, in 2007 the government launched the National Pact to Fight Violence against Women, which provides for joint efforts between the three branches of government and non-governmental organizations to address the issue of violence against women. As a result of the Pact, the government launched, in 2011, the National Policy to Fight Violence against Women and, in 2013, the Mulher Viver sem Violência Program, the main focus of which is the provision of quick and effective assistance to women victims of violence. All actions provided for in the law framework of these measures set forth the dimensions of the prevention, assistance, and guarantee of women rights.

64. Also within the legislative scope, two laws were sanctioned to fight violence against women: Law No. 13,642/2018, which delegates to the Federal Police the task of investigate crimes related to the disclosure of online messages of misogynistic content, and Law No. 13,641/2018, which classifies as a crime failure to comply with the protective measures provided by Maria da Penha Law to protect women victims of any type of domestic or family violence.

65. There is also a Network of Specialized Services aimed at women victims of violence within the scope of the Judiciary Branch and other institutions, such as the Specialized Police Units for Assistance to Women, Courts, Specialized Public Prosecutor's and Defender's Offices, Shelters, Reference Centers, among others. Between 2003 and 2012, there was a 196% increase in the services of such nature, namely: 1,375% in the number of Specialized Centers and Defender's Offices; 519% in the number of Assistance Centers for Women Hotline; 103% in the number of Specialized Police Units for Assistance to Women/Specialized Centers in Regular Police Units, in addition to other services specified in Table 20.

66. Still, the challenge of expanding the offer of shelter services and exclusive Reference Centers for women victims of violence remains. The expansion of the network of assistance to women victims of violence is one of the priorities of the Mulher, Viver Sem Violência Program, which provides for the construction of 27 units of the Casa da Mulher Brasileira – they are operational in four states of the federation³ – in addition to the expansion of the Centers for Assistance to Women in Dry Border Regions. The Casa da Mulher Brasileira – is a multidisciplinary, humanized assistance center, focused on women's capacity of empowerment so they are able to break the violence cycle in which they are in.

² France, United States, England, Norway, French Guiana, Argentina, Uruguay, Paraguay, Netherlands, Switzerland, Venezuela, Belgium, and Luxemburg. The center already serves Spain, Italy, and Portugal. Assistance is free and bilingual – in English and Spanish.

³ The Casa da Mulher Brasileira units in the following capitals are already operational: Campo Grande (Mato Grosso do Sul), Curitiba (Paraná), Distrito Federal, and São Luís (Maranhão).

67. Within the scope of the judiciary branch, according to a 2017 research of the National Justice Council – CNJ, in 2016, 1,199,116 proceedings related to domestic violence against women were filed before State Courts throughout the country. This corresponds, in average, to 11 proceeding to each one thousand women, or 1 proceeding to each 100 Brazilian women. There are currently 134 Courts exclusively directed to Cases of Domestic Violence 21 (Table 21). The research also indicates that in 2016, there were 290,423 proceedings filed for cases of violence against women (Table 22). Regarding sentences rendered in cases of violence against women, according to most recent data from CNJ (2018), in 2016 the number of sentences rendered amounted to 279,327 and, in 2017, to 336,339 (Table 23, Table 24). It is also worth mentioning STF's decision rendered in February 2012, which allows the possibility of the Prosecution Service to initiate or reopen criminal actions against persons accused in cases of violence against women based on Law No. 11,340/2006 without the need of the representation by the victim.

68. Finally, in March 2015, the Brazilian Government passed Law No. 13,104/15, which amends the Brazilian Penal Code, and now provides for femicide as an aggravating circumstance for murder, as provided for in article 121 of the Brazilian Penal Code (1940), in addition to include femicide as a heinous crime, provided for in article 1 of Law No. 8,072/1990.⁵ The new criminal classification also sets forth the increase in the penalty by up to half if the crime is committed: during pregnancy or within three months after delivery; against a person aged less than 15 years, more than 60 years, or a person with disabilities; in the presence of a descendent or ancestor of the victim (paragraph 7, I, II, and III).

69. After three year of existence of the Law, it is possible to identify lawsuits repressing the crime. According to data from a research developed by CNJ, in 2016, 1,942 sentences were rendered in criminal proceeding related to femicide. In 2017, on its turn, the number of sentences was 4,829, which demonstrated a higher triggering of the criminal violation.

Article 4

Restrictive measures in emergency situations (Table 25)

Article 5

Scope of rights provided for in the Covenant

70. The Brazilian Federal Constitution incorporates the international treaties for protection of human rights in its bill of rights, under art. 5, paragraph 2. Constitutional Amendment 45/2004 expanded the regulatory power of these treaties. Such provision established a procedure for admitting international Human Rights treaties with constitutional status. This means that, if a treaty is approved by a qualified quorum by both houses of the National Congress, it shall be included in the Brazilian legal system as a Constitutional Amendment. Until now, the only treaty subject to the procedure was the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed in New York on March 30, 2007.

71. The other measures shall be reviewed in the discussion related to each right.

Article 6

Right to life

72. The main milestones for guaranteeing the right to life in Brazil are presented in the 2nd Report, namely: Federal Constitution, art. 5 (XLVII), art. 84 (XIX); Law 2,889/1956; and Law 8,072/1990.

Deaths by action of death squads and criminal organizations

73. Despite Government efforts, the so-called “death squads” are still operating in certain Brazilian States. These are criminal organizations whose actions involve members of police forces and civilians that are allegedly involved in the practice of summary executions.

74. In order to fight against the actions of those groups, several operations were initiated by the Federal Police. Among them, the Sixth Commandment Operation (Goiás, 2011 and 2016) resulted in 19 military police officers arrests, in addition to the execution of search and seizure warrants for participation in murders in death squads in 2011. It also resulted in 140 federal police officers serving three temporary arrest warrants, 19 search and seizure warrants, and 17 bench warrants against persons investigated in the second phase of the operations in 2016. Operation Squadre (Paraíba, 2012) resulted in the execution of 45 arrest warrants, 11 bench warrants, and 19 search and seizure warrants, amounting to 75 legal actions aiming at dismantling militias composed of members of local and private police forces that, among other crimes, formed a death squad. Operation Hecatomb (Rio Grande do Norte, 2013) dismantled a death squad composed of members of police forces and resulted in the execution of 21 arrest warrants, 9 bench warrants, and 32 search and seizure warrants. Evidence of the death squad's involvement in 22 completed murders and 5 other attempted murders were found during the investigation.

Deaths by police action

75. According to the Institute of Applied Economic Research – IPEA, it is estimated that the number of persons killed by legal interventions amounted to 8,000 between 2006 and 2016 (Table 26). According to the Brazilian Public Security Yearbook, published by the Brazilian Forum on Public Security, it is estimated that a total of 4,222 persons were killed in conflicts with police officers on duty in 2016. The Mortality Information System (SIM), on its turn, registered a number of 1,374 deaths as a result of violence by legal intervention for that same year. On the other hand, the number of complaints related to police violence received by Disque 100 decreased by 27% between 2014 and 2015, from 1,362 to 990; a 2% increase between 2015 and 2016, from 990 to 1,009. In 2017, the number of complaints regarding police violence in Disque 100 was 1,319, a 31% increase in relation to the preceding year.

76. In order to face the challenge caused by the lack of consolidated statistics on police lethality in the Country, as there is no legal duty obliging the States to pass this information to the Federal Government, the National Information System for Public Security, Prison and Drugs (SINESP) was created in 2012, in order to proceed with a methodological standardization for the storage, treatment, and analysis of data and information related to public security and criminal justice produced by the States through joining agreements.

77. These agreements make the receipt of federal resources and the execution of partnerships with the Federal Government to fund public security actions and the prison system conditional to the provision, by the Government, of consistent and updated statistics to the SINESP. Additionally, the Unified Public Security System (Susp) and the National Public Security and Social Defense Policy (PNSPDS) were created in 2018 in order to preserve the public order and the safety of people and property, through a joint, coordinate, systematic, and integrated action of the public security and social defense bodies of the Federal Government, States, Federal District, and Cities, together with the society.

78. Police lethality sometimes results from the excessive use of police force. Law No. 13,060/2014 regulates the use of less offensive instruments by public security agents, was enacted and made effective throughout the national territory.

79. In order to address this persistent problem of the Brazilian public security system, the Federal Government established the “Guidelines on the Use of Force by Public Security Agents” in 2010 to gradually reduce police lethality rates. Also in this regard, the Program Brasil Mais Seguro, a federal pact for promotion of state projects in the field of public security supported by the Federal Government, started to be implemented in 2012. 92. The intention was to promote integration of state security forces, to adapt the standards for the actions of security professionals to the international principles on the use of force and firearms, inducing the use of equipment with lower offensive potential.

80. On the other hand, the main strategy adopted by the Brazilian government in the fight against excessive use of police force is to provide its public security agents with education on human rights. For this, the Formative Conferences on Human Rights are held since 2004, in addition to the inclusion of modules on human rights in these agents' continuing education.

Since 2004, more than 9,000 public security officials of different corporations have already been trained. Only in 2009, 25 States were benefited from it, which amounts to 4,283 professionals.

81. In order to strengthen the actions for inspection and investigation of violations of rights committed by public security agents, the implementation or expansion of the state dial report services has been encouraged, as well as the establishment and strengthening of internal regulatory authorities for the actions of security agents (Table 27). The measures taken for prevention of deaths in prisons are presented in the topic regarding article 7.

Education on Human Rights for Public Security agents

82. Continued strategies for the technical and humanistic education of public safety professionals have been implemented, for which 52% of the resources of the National Fund for Public Security are allocated. Therefore, the National Network for Advanced Studies in Public Security (RENAESP), which actions are based on partnerships with Higher Education Institutions – which hold lato sensu postgraduate courses on different topics related to Public Security, as well as the Distance Education Network, was created on 2012. The studies are funded by the Federal Government, by granting scholarships. The Network is present in 25 Federative Units, and had 5,600 students enrolled in 140 courses held between 2006 and 2012. In 2015, RENAESP offered 200 spaces in postgraduate courses in public security for civil police officers, military police officers, military firefighters, municipal guards, and forensic professionals. In 2016, through the Distance Learning platform, 73 courses especially created to train public security professionals were offered online, accounting to 200 thousand spaces.

83. More information on training of public security agents shall be addressed in the II Brazilian Report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Protection of Human Rights Defenders

84. Acknowledging the importance of the work of human rights defenders for the fight against impunity and the vulnerability to which they are exposed, the Brazilian Government created, in 2004, the Program for the Protection of Human Rights Defenders and, in 2007, established the basis for the National Policy for the Protection of Human Rights Defenders. It is important to emphasize that there are no records of deaths related to human rights defenders included in the Program since its implementation.

85. Throughout the Country, human rights defenders may access the Program, if necessary. The Program is active in 6 States and, for the States where the Program has not been implemented yet, the defenders threatened may resort to the Technical Team of the Federal Program operating in the other federative units. 342 human rights defenders are currently included in the Program for the Protection of Human Rights Defenders, Communicators and Environmental Defenders (PPDDH) throughout Brazil (Table 28). Among the several militancy areas, the Indigenous and land rights causes are the most frequent. Regarding the funds allocated to the Program, although there was a reduced budget from 2013 to 2016, in 2017 the funds increased, as well as a budget supplementation was requested for 2018 (Table 29).

Protection of Victims and Threatened Witnesses

86. Since 1999, Brazil promotes the Program for the Protection of Victims and Threatened Witnesses (PROVITA), which ensures the protection of witnesses who have been coerced or exposed to serious threats in order to collaborate with an investigation or criminal proceeding. The program already exists in 13 Federative Units, in addition to the federal program, and currently protects about 900 persons, among victims, witnesses, and family members. Since its creation, the PROVITA benefited more than 10 thousand persons and none of the victims under its protection was killed.

87. In 2018, the MDH created the National System of Information on Victims and Witnesses (SISNAVIT) to receive data related to the persons protected by the PROVITA.

88. The Program for the Protection of Children and Teenagers Threatened with Death is addressed in the IV and V Brazilian Reports to the Convention on the Rights of the Child.

Right to memory and to truth

89. In regard to the right to memory and to truth, acknowledging the need to redeem the past and repair the damage suffered by the victims of these violations, the Brazilian Government has adopted several transitional justice measures. Among the latest ones, attention is called to the Amnesty Commission and the National Truth Commission (CNV). Established in May 2012, CNV completed its activities on December 10, 2014 by publishing a final report containing the list of the activities developed, the description of facts reviewed, and its conclusions and recommendations.

90. In its final report, CNV acknowledged the occurrence of violations of human rights between 1946 and 1988, most notably during the military dictatorship, focusing on 4 types: torture, death, forced disappearance, and concealment of a corpse. There were 191 deaths and 210 recognized disappearances, 33 missing persons, whose bodies were later found, and 337 public officials and persons employed by the State, indicated as perpetrators of human rights violations.

91. The report also makes 29 recommendations to the authorities, divided into three groups: 17 institutional measures, 8 normative reformulation initiatives, and 4 measures for monitoring the actions and recommendations. The recommendations include criminal, civil, and administrative accountability of perpetrators of violations of human rights and reforms in the area of public security.

Article 7

Prohibition of torture

92. Legislative, administrative, and judicial measures as well as the main progresses and challenges in the fight against torture during the period are presented in the II Brazilian Report to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 8

Prohibition of slavery, servitude, forced or mandatory labor, and of trafficking in persons

Modern day slavery

93. The 2nd Periodic Report brings the main milestones that ban slavery and human trafficking in the Country. Namely: Federal Constitution, art. 5 (item XLVII); Brazilian Penal Code (Decree-Law No. 2,848/1940), art. 149; Law No. 7,210/1984, art. 28 to 37.

94. It is still possible to note the persistence of practices of slavery or similar to slavery in some Brazilian regions, especially where the rural sectors are stronger and where there are higher levels of poverty. Despite the complexity of the problem of slavery in Brazil, the ILO indicates the Country as a global example of fight against contemporary slavery.⁴

95. An important regulatory progress was the approval, in 2014, of Constitutional Amendment No. 81, pending in the National Congress since 2001. The amendment sets forth the expropriation of the lands where slavery takes place, with no right to compensation, and the lands shall be directed to the agrarian reform, and the target audience, as a priority, are the workers who were subject to conditions similar to slavery in those lands.

96. In the institutional level, a range of bodies responsible for addressing the theme in an intersectoral and integrated manner have been created over the last few years, such as the National Commission for Eradication of Slavery – CONATRAE and the State Commissions

⁴ ILO. Global Report on Forced Labor around the World 2009.

for Eradication of Slavery – COETRAEs, created in cooperation with the state public authorities, and already present in 13 Brazilian States.

97. The actions of the abovementioned Commissions are guided by the National Plan to Eradicate Slavery,⁵ which sets forth actions integrated between several bodies of the three Branches, States, and Cities, the Prosecution Service, and the civil society for the abolition of slavery. The Plan operates based on four axes: fight and repression; reinsertion and prevention; information and training; and economic repression.

98. It is worth to highlight, also, the creation, in 2005, of the National Covenant for Eradication of Slavery, an agreement that includes companies committed to eradicate contemporary slavery. Today, the Covenant includes more than 400 companies and associations, which undertake to refrain from doing business with parties that use this practice.

99. In 2016, the National Pact for the Eradication of Slave Labor was signed in the country between 15 states and the Federal District with the Special Secretariat of Human Rights of the Ministry of Justice and Citizenship. One of the actions planned is the construction of a new National Plan for the Eradication of Slave Labor, in addition to the creation of a work observatory, with a website for disseminating indicators and research on slave labor.

100. Since 2015, the list of employers using slave labor, known as the “dirty list”, has resumed. This is an important step for the confrontation and social control of slave labor in the country.

Combat, inspection, and suppression

101. Over the last few years, the Brazilian Government has been expanding and reinforcing its enforcement actions against slave labor, based on the joint action of various bodies handling the issue. These actions are developed mainly by the Ministry of Labor and Employment (MTE), through the Special Mobile Inspection Group (GEFM) and its regional units, created for specific operations in the rural environment. Its operation results in rescuing workers, granting unemployment benefits, paying severance pay by the employer, and applying administrative sanctions.

102. The Labor Prosecution Service (MPT) and Federal Prosecution Service (MPF) also play important role in these areas. The MPT investigates situations in which workers are subjected to this practice and, when irregularity is proven, the body brings actions to the Labor Courts or promotes extrajudicial agreements with the employer (Conduct Adjustment Terms). The MPF, however, acts in the criminal sphere, considering the classification of slave labor as a federal crime, under the terms of art. 149 of the Brazilian Penal Code. In 2017, the 2nd Criminal Chamber of the MPF filed 72 criminal actions related to slave labor.

103. The Dial 100 also offers a module for reporting slave labor. In 2015, 115 complaints were filed, while in 2016 there were 168, an increase of 46.09%. In 2017, on its turn, 117 complaints were filed, representing a decrease of 30.36% compared to 2016.

104. Between 2014 and 2016, 433 operations had been already performed, and 740 facilities had been inspected, totaling 3,647 rescued workers. Data related to the enforcement operations conducted and their results can be found in Table 30.

105. Regarding the number of police occurrences related to slave labor, the Military Police recorded 149 cases between 2005 and 2011; the Federal Police filed 344 police inquiries; the Ministry of Economy conducted 936 inspections; and 940 legal proceedings were filed to the state courts and federal courts. Table 31 shows more details on these data.

106. A survey conducted by the Criminal Chamber of the MPF for 2016 indicated that 459 police inquiries/detailed terms were in progress to investigate the crime of reducing the slave-like condition. Of this total, the MPF survey points to the state of São Paulo as the first in number of investigations – 34 investigations. Mato Grosso and Minas Gerais, with 24 and 23 ongoing investigations, are also on the top of the list. The MPF also recorded 76 extrajudicial

⁵ The 1st edition of the Plan was launched in 2003 and was reformulated in 2008 based on the review of the results achieved and the identified difficulties, giving rise to the 2nd National Plan for the Eradication of Slave Labor.

procedures, as recommendations and conduct adjustment agreements. As to the police investigations in progress in the Federal Police for more than six months, the report pointed out 16. Additionally, 12 appeals are pending decision of the Superior Court of Justice – STJ.

107. Among the punitive measures, the perpetrator of the crime is required to pay all overdue wages and social charges, as well as cover the costs of returning workers to their places of origin. As of 2000, the victims have been receiving indemnifications. From 2014 to 2016, they totaled R\$11,920,325.69.

108. The Employers Registry was also created, which brings together individuals and legal entities that have subjected workers to slave-like conditions, to which access to public financing is prohibited and restrictions are placed on the marketing of their products. The registry totaled, in April 2018, 166 names.

Reintegration and prevention

109. With regard to the “reintegration and prevention” axis of the Plan, one of the measures that stands out is the guarantee, based on the sanction of Law 10,608/2002, of unemployment insurance granted to workers provenly rescued from forced labor, as well as access to income transfer and literacy programs and professional training. Between 2004 and 2012, 20,585 unemployment benefits were granted. Between 2013 and 2016, pursuant to MTE data, the benefit served 4,735 workers removed from conditions similar to slavery, accounting for a transfer of R\$8.7 million.

110. In the “information and training” axis, the Plan provides for the holding of information campaigns to guide workers, employers, and the civil society about the risks, punishments, and reporting channels of these practices.

Human trafficking

111. There are several ongoing efforts to make a clear and comprehensive diagnosis of the situation of human trafficking in Brazil. The Public Security and Criminal Justice systems are the two main sources of data. The diversity of data collection methodologies used among these systems, however, as well as the lack or inadequacy of information recording systems, still challenge an accurate diagnosis of the occurrence of that type of crime in the country.

112. The most recent report, which underlies most of the data listed below, is the “Consolidated Report based on the survey and systematization of data on the human trafficking in Brazil between 2014 and 2016”, published by the Ministry of Justice in partnership with the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Program (UNDP).

113. In 2016, Law no. 13,344 amended art. 149-A of the Brazilian Penal Code, enhancing the punishment for crimes of international trafficking and internal trafficking in persons for the purpose of sexual exploitation, organ removal, slave-like labor, servitude, and adoption.

114. Brazil also has specific laws and regulations aiming at protecting immigrants living in the national territory, who are in a situation similar to slave labor, especially those most vulnerable due to possible irregularities in their migratory situation. The Migration Law, approved in 2017, authorized immigrants who have been victims of human trafficking or slave labor to live in the country. Despite these advancements, the Brazilian Government recognizes that there is a compelling need to make progress in the implementation of policies for the prevention and assistance of victims and the construction of a broader and consolidated legal framework for the effective application of sanctions to this practice.

115. Measures against human trafficking started to be adopted more systematically since 2006, when the National Policy against Trafficking in Persons was approved, which is based on three axes: prevention; repression, and accountability; and full attention and support to victims. Six States of the Federation have already developed their own programs against human trafficking.

116. The Policy is divided in National Plans. Currently, the III National Plan to Combat Trafficking in Persons (III PNETP) is being implemented by the Network to Address

Trafficking in Persons, operating through articulation, decentralization, and participation of public actors and civil society in preventing and combating this crime.

117. The Brazilian Government is also promoting different forms of international cooperation, bilateral, multilateral, and with international organisms, in order to ensure better coordination internationally to prevent and fight international trafficking in persons.

Prevention, suppression, and accountability

118. In 2016, Disque 100 (the human rights helpline) registered 106 reports related to trafficking in persons, and 226 in 2017, representing a 113.21% increase. In 2015, Ligue 180 (the helpline on women's rights), received 332 reports of human trafficking.

119. Actions for prevention and repression have been implemented regarding human trafficking, with highlights to campaigns, trainings of agents, higher control of border regions, integrated data collection, actions to provide diagnoses and conduct surveys, among others.

120. According to data from the "Consolidated report based on the survey and systematization of data on trafficking in persons in Brazil in the period from 2014 and 2016", between 2007 and 2016, the Federal Police (PF) registered 137 investigations and 285 indictments due to international trafficking in persons for purposes of sexual exploitation, as well as and 47 investigations and 77 indictments due to international trafficking in children and adolescents. Within the scope of the State Judiciary Branch, between 2014 and 2016, there were 455 proceedings distributed regarding international trafficking in persons, and on the Federal Courts there were 370 criminal proceedings. Regarding internal trafficking in persons, between 2014 and 2016, the State Judiciary Branch registered 483 proceedings and the Federal Judiciary Branch registered 62 proceedings.

121. Regarding the profile of the authors, according to the abovementioned report, based on data from 2007 to 2016, it is possible to identify a gender dimension within the context of the crime of trafficking in persons, depending on type of exploitation. In a total of 1,344 persons indicted for human trafficking and/or correlated criminal offenses, there are more women than men in cases of trafficking in persons for purposes of sexual exploitation.⁶

122. On the other hand, the same report indicates that data from DEPEN show that more men than women are arrested for trafficking in persons, the same as the Global Report (UNODC, 2014), according to which, among the suspects and convicted persons, men range from 62% and 72% and women range from 38% to 28%.

123. In order to combat this practice, the Government has been working extensively to train professionals, institutions, and organizations engaged in the combat to trafficking in persons, aiming at making them more capable of identifying indicators of trafficking in persons in many different situations.

124. In order to promote a comprehensive measures to combat to human trafficking, the Evaluation Report for the National Plan to Combat Human Trafficking, published by the Ministry of Justice, has made recommendations for the preparation of the III National Plan.

125. The recommendations state the need for a continuous Plan, with the strengthening of the existing control agencies and mechanisms, emphasizing the need for prioritizing the issue in agendas that address other forms of violence, such as domestic violence, exploration of the youth for drug trafficking, racism, and violence against Afro-Brazilian youth, violence against LGBTQs, xenophobia, lack of actions to protect sex workers without victimization, among other issues. The need to ensure emphasis to the singularities of vulnerable groups in actions to combat human trafficking in Brazil was highlighted, with attention to ethnic and racial, sexual orientation, generation, and territorial issues.

Profile, care, and protection of the victim

126. Even if there are difficulties in establishing a profile for victims of human trafficking, the "consolidated report based on the survey and systematization of data on human trafficking

⁶ Regarding the crime of enforcing conditions similar to slavery, most of the indictments were directed to men.

in Brazil for 2014-2016” – based on Ministry of Health data from 2014 to 2016 – demonstrates that women are the majority of victims (75%), comprising single women with low education, between 10 and 29 years old (50%) – and about 20% of victims are between 10 and 19 years old.

127. Most cases of international trafficking are for sexual exploitation purposes. Out of 475 victims identified by the Federal Police between 2005 and 2011 in the Brazilian consulates and embassies, 337 suffered sexual exploitation and 135 were submitted to slavery. As to the assistance and protection to victims, they are provided based on the decentralized actions of an assistance network composed by State Centers for the Fight Against Human Trafficking, which comprise a total of 17, and 12 Advanced Posts for Humanized Assistance to Migrants. Additionally, victims can also be assisted by the Specialized Reference Center for Social Assistance – CREAS.

Article 9

Liberty and personal security

128. The main achieved milestones related to the right to freedom and personal security were presented in the 2nd Report. Namely: article 5, items LXII, LXV, LXV LXXV; Brazilian Penal Code (Decree-Law No. 2,848/1940), articles 282, 289, 301 to 310, 311 to 316, 393, 408, 647, 660, book III, Title IX; article 231 of the Statute of the Child and Adolescent; article 4 of Law No. 4,898/1965; Law No. 10,177/1998.

129. The Brazilian public security system has an extensive institutional framework. It includes such as the National Council for Public Security and Social Defense – (CNSP), a collegiate body of technical cooperation between governmental entities in the fight against crime, reporting directly to the Minister of Justice; the National Public Security Fund.

130. In 2010, the National Justice and Public Security Strategy was launched, based on the perception of the need for joint planning of actions and adoption of strategies in common by the agencies that compose the justice and public security system, thus involving the Executive and Judiciary Branches, in addition to the Prosecution Service. Three actions have been prioritized: effectiveness in assessing, reporting, and judging homicide; eradication of incarceration at Police Stations; and creation of a national record of arrest warrants.

131. In 2006, a new law on drugs was sanctioned (Law No. 11,343/2006), establishing the elimination of the penalty of deprivation of liberty for drug users, which is replaced by educational measures and community service. Art. 28 also provides that health care facilities, preferably ambulatory, shall be made available to the offender, free of charge, for a specialized treatment. In Brazil, offenses related to narcotics, mostly related to trafficking thereof, strongly contribute to the growth of the population in prison. According to data of the National Penitentiary Information System (Infopen), from 2005 to 2015, the incidences of the crime of trafficking showed a 447% increase. In 2016, 26% of the male prison population and 62% of the female prison population were arrested because of this offense.

132. With respect to the right to liberty, an important measure for decarceration was taken by the Judiciary Branch in 2018. The Brazilian Supreme Court – STF, when analyzing the Collective Habeas Corpus (HC No. 143641), determined the replacement of the pre-trial detention with house arrest for arrested women who are pregnant women or mothers of children of up to 12 years of age or of persons with disabilities, without prejudice to the application of the alternative measures set forth in article 319 of the Brazilian Code of Criminal Procedure (CPP). According to data of the Brazilian Institute of Criminal Sciences – IBCCRIM, 4,000 women were benefited by the measure.

Alternative measures for detention

133. In 2016, the National Policy for Criminal Alternatives was established in order to promote actions, projects, and strategies directed to the fight against mass imprisonment and to the expansion of the enforcement of criminal alternatives with restorative approach as a replacement to the deprivation of liberty, with the aim of reducing the number of arrested persons in Brazil by 10%.

134. Before that, in 2011, the National Strategy of Alternative Penalties was created, aiming at promoting mechanisms alternative to criminal intervention and imprisonment, in order to achieve a better efficacy in the fight against conflict and in the construction of social pacification.

135. As a result, public services directed to implementing alternative measures were expanded. In 2013, there were already 149 working stations and centers for Alternative Penalties and Measures (PMAs), present in 17 capital cities, in addition 17 Courts Specialized in PMAs. Approximately 92% of the Federative Units have Alternative Penalties and Measures Centers implemented and operational, and 67% of the States have Courts Specialized in Alternative Penalties and Measures.

136. On the other hand, there has also been the implementation of Electronic Monitoring Centers. They are public mechanisms destined to manage electronic monitoring of temporarily imprisoned persons, persons serving interim measures alternative to prison, house arrest for vulnerable prison population (elderly, pregnant women, breastfeeding mothers, persons with severe infectious and contagious diseases, among others) according to judicial orders. In the last survey conducted in 2015, the policy for electronic monitoring was already implemented and operational in 17 states, in the other states partnerships were established or the policy is still under testing, amounting to 18,172 persons simultaneously monitored.

137. It is also important to highlight the enactment in 2011 of Law No. 12,403/2011, which amends the Brazilian Code of Criminal Procedure, stating the preference of interim measures for preventive arrest, which is now classified as *ultima ratio*. The main purpose of the law is to prevent unnecessary arrests, avoid mistakes in the process, and provide alternatives to penalties of deprivation of liberty in cases of crimes to which the penalties described are below four years.

138. Another initiative is the Incarceration Task Forces project, implemented by the Judiciary Branch since 2008, aiming at analyzing the situation of the proceeding of persons serving penalties, in addition to inspecting prison facilities aiming at avoiding irregularities and at ensuring compliance with the Criminal Enforcement Law. From 2008 to 2013, 334,635 proceedings were analyzed throughout the country, resulting in the concession of more than 80 thousand benefits and the liberation of more than 45 thousand imprisoned persons, as they had already served the sentence rendered by the Court – which corresponds to about 13% of the total amount of proceeding reviewed. In all states through which they have been, the Incarceration Task Forces established a series of recommendations to the Judiciary Branch and suggestions to the Executive Branch, aiming at improving the quality of the prison system.

139. Custody hearings are another important measure to prevent undue deprivation of liberty. They consist in guaranteeing an expedite presentation of the imprisoned person before a judge in cases where the person has been arrested in the act. In these hearings, the accused person is taken before and interviewed by the judge in a hearing in which the Prosecution Service, the Public Defender or the arrested persons attorney also present their opinions.

140. Additional information on the training of public security agents will be addressed in the II Brazilian Report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

141. On the other hand, it is important to highlight that the Penalty Monitoring System created by Law No. 12,714/12 is being implemented by the federal government, with the support from the Judiciary Branch. In addition, there was the creation of the Unified Electronic Enforcement System (SEEU) in 2016, for monitoring the criminal enforcement processes, in order to prevent arrested persons to be held longer than the term established by the court. The system is already being used in the Federal District and six states, Minas Gerais, Bahia, Pará, Ceará, Rondônia, and Piauí. In Pernambuco, Rio Grande do Norte, and Mato Grosso, the system is still being established.

142. In 2017, the implementation of the Information System of the National Prison Department (SISDEPEN) began, in order to monitor the enforcement of the penalties,

preventive arrest, and security measures, in compliance with Law No. 12,714/2012. This system sets forth unified management of data related to persons deprived of their liberty, integrating data from public security bodies, the Judiciary Branch, the Prosecution Service, the Public Defender's Office, the Brazilian Bar Association (OAB), and prison management bodies. 22 Brazilian states have already signed a cooperation agreement with the federal government to use of the system.

Article 10

Rights of persons deprived of liberty

143. The main milestones related to the rights of persons deprived of liberty were presented in the 2nd Report to the Committee, namely Federal Constitution, art. 5, items XLIX, XLVIII, and L; Decree-Law No. 2,848/1940 (Brazilian Penal Code), art. 136; Law No. 7,210/1984 (Criminal Enforcement Law), arts. 3, 88, and 141.

144. Deprivation of liberty of teenagers and the socio-educational system were addressed in the IV and V Brazilian Reports to the Convention on the Rights of the Child.

Prison system

145. Brazil currently has the third largest prison population in the world, amounting to, as of June 2016, 726,712 persons – 352.6 for each 100 thousand inhabitants. 292,450 of them are temporary prisoners, distributed into a little more than 1,478 prison units. The Country presents a deficit of more than 300 thousand vacancies in the prison system, and 52% of the prison population is in criminal facilities with more than 2 persons per vacancy, while only 7% of the population (51,235 persons) is in non-overcrowded units.

146. Based on the perception that the prison deficit hinders the implementation of several other policies to improve the conditions of the Brazilian prison system, the Prison System Support Program was created in 2011, aiming at eliminating the vacancy deficit in female prison facilities and reducing the number of arrested persons in police stations. Additionally, regarding the improvement of the physical structure of the criminal facilities, basic guidelines were established in 2011 for the construction, expansion, or renovation of criminal facilities. According to 2016 data, the Federal Government provided states approximately R\$1.19 billion to be used in works for improving and expanding the vacancies of the prison system.

147. The training of penitentiary agents has also been expanded and strengthened, including modules on human rights. In 2012, the National School of Criminal Services – ESPEN was created, offering, in addition to studies directed to improve management of public policies directed to the prison system, support and funding to the implementation and empowerment of Prison Management Schools of the Federative Units.

148. Moreover, as a way of improving the management of the prison system, the National System of Penitentiary Information (InfoPen) has been developed and strengthened since 2004. The System allows for the consolidation of indicators on the penitentiary population provided by States, in order to subsidize bodies responsible for proposing public policies directed at improving of the prison system. The System's data are available for public consultation in its website.

149. In 2018, there were mass killings in prisons in the states of Amazonas, Roraima, and Rio Grande do Norte, involving conflict between criminal organizations present in the prison system, resulting in a high number of deaths of inmates. As a form of combating this phenomenon, Brazil implemented the National Public Security Plan, especially focused on integration, coordination, and cooperation between the federal and state governments and society. Among its main actions, modernization of the prison system and integrated combat to criminal organizations can be highlighted. Other priorities are the reduction of femicide and violence against women, reduction in intentional homicides, and integrated combat to drug and arms trafficking.

150. The National Office of the Ombudsman for Prison Services, a body bound to the National Prison Department is another instrument that aims at ensuring the rights of persons deprived of their liberty. It has the primary purposes of defending their rights of, receiving

and processing of the demands and complaints, strengthening control and social participation in prison services, and also monitoring prison facilities across the country, through prison inspections. This instrument allows for persons deprived of liberty or their family members to file complaints in case of rights violations.

Segregation of Imprisoned Persons

151. The Brazilian State, as provided by the Criminal Enforcement Law (LEP) and reinforced by Law 12,403/2011, determines the segregation of persons imprisoned under temporary regime and persons convicted on a final and unappealable decision; persons serving first sentence and the prisoners who have already served sentences or that were indicted before; and criminal justice administration employees at the time of the criminal act and other imprisoned persons. For this, the profile and conditions of the imprisoned persons are assessed and, based on a safety and convenience criteria, the cells are segregated and reallocated respectively.

152. Aiming at holding and isolating persons under custody considered extremely dangerous and that may compromise the order and public security in their States of origin, the Federal Government implemented in 2006, the Federal Prison System, which currently operate in four Federal Prisons, and a fifth one was inaugurated in 2018.

Health in the Prison System

153. The right to health care for imprisoned persons is ensured by LEP in its articles 120, 34, and 14. According to data from InfoPen, 85% of the population deprived of liberty in 2016 in Brazil was under custody in facilities that had the structure set forth in the healthcare module.

154. In order to ensure the access to healthcare, the National Plan for Health in the Prison System (PNSSP) was launched in 2003, providing for the implementation of basic health care facilities and multi-professional teams offering actions for prevention, promotion, and treatment of health issues, prioritizing comprehensive care.

155. In 2013, all States of the Federation implemented the PNSSP, comprising 256 health care teams, reaching about 30.69% of coverage of the prison population with health assistance actions. Also, 258 Basic Health Care Facilities have already been equipped with resources from the Federal Government, including the Reference Centers for Maternal and Infant Health in female criminal facilities.

156. Aiming at reinforcing such actions, in 2014, the National Policy for Comprehensive Health Care for Persons Deprived of their Liberty in the Prison System (PNAISP) was created, and it is responsible for integrating the criminal laws and regulations and the Unified Health System (SUS) in order to expand the coverage for all persons deprived of liberty, so that the prison unit becomes an assistance center of the Health Care Network, humanizing the criminal justice system.

157. In 1994, the National Penitentiary Fund (Funpen) was created (Complementary Law No. 79/1994), allocating funds for management of the prison system. Additionally, it aimed at funding maintenance activities, such as refurbishments, expansion of facilities, and improvement of the service. Despite its regulation, the transfers of funds that finance the fund still faced obstacles. Therefore, in 2015, a decision of the Brazilian Supreme Court – STF ruled that the Executive Branch release the accrued balance of the Funpen and prohibited new limitations.

158. According to data of the National Prison Department (DEPEN), in 2016, about R\$1.2 billion was destined to state, district, and municipal prison funds. In 2017, on the other hand, the fund-to-fund transfer was of about R\$590 million. The transfer of funds does not depend on a partnership or similar instrument, pursuant to Law No. 13,500/2017, which amended Complementary Law No. 79/1994.

Reintegration and Education

159. The LEP establishes that deprivation of liberty aims at, in addition to giving effect the criminal conviction, providing conditions for social reintegration of the convict and the

inmate. Therefore, Law No. 12,433/2011 was sanctioned, which provides for redemption of part of the prison time of the inmate's penalty for study or work. In addition to contributing to reduce the deficit of vacancies in the prison system, taking the inmates away from the criminogenic environment of the prisons reduces the chances of criminal recidivism. This measure is of utmost importance, as the latest report of InfoPen indicates that 51% of these arrested persons have not completed elementary and middle school, and only 9% have completed high school.

160. Given this reality, and aiming at expanding and improving the offer of education in prisons, the State implemented, in 2011, the Strategic Plan for Education within the Scope of the Prison System (PEESP), according to which all Federative Units were required to prepare their own State Plans for Education In Prisons, in order to enforce the PEESP. Still regarding the Plan and the FNDE/MEC Resolutions 44/2013 and 48/2013, the Government has been implementing in prison facilities the Brasil Alfabetizado Program (a literacy program) and actions within the scope of the programs for Youngster and Adult Education and the Projovem Urbano program. **Table 32** provides additional detailed information on the participation of imprisoned persons in educational activities in 2016.

161. Additionally, the State is also implementing the Começar de Novo (New Beginnings) Project, which aims at raising awareness among and encouraging public bodies and civil society to provide jobs and vocational courses for persons incarcerated or leaving the prison system through the Portal de Oportunidades (Opportunity Channel). Since 2009, 10,215 job openings were offered in Portal, and 6,046 were used. Regarding vocational courses, 6,621 vacancies were provided. In 2013, a total of 15,519 imprisoned persons had completed vocational courses or had job openings opportunities.

162. On July 25, 2018, Decree No. 9,450/2018 was enacted and created the National policy for Work within the Scope of the Prison System, aiming at facilitating the inclusion of persons deprived of their liberty and leaving the prison system in the job market. Such Decree promotes the expansion of the offer of job openings, entrepreneurship, and vocational training for imprisoned persons and persons leaving the prison system, encouraging corporate social responsibility as well.

Article 11

Prohibition of prison for failure to perform with contractual obligation

163. The Brazilian Federal Constitution prohibits civil arrests in cases of debt, except for two hypotheses: the person is responsible for a voluntary and inexcusable failure to pay child support and untruthful depository. In 2009, STF issued Binding Precedent No. 25, affirming that the civil arrest of untruthful depository is illegal, regardless of the type of deposit. The Bidding Precedent was issued by STF with restrictive powers for all direct and indirect management bodies of the Federal, State, Federal District, and Municipal Governments, in addition to bodies of the Judiciary Branch.

Article 12

Freedom of movement and residence

164. The main legal frameworks regulating the matter of freedom of movement and residence are: the Federal Constitution, art. 5, item XV, Law No. 4,898/1965; Law No. 8,899/1994; Decree No. 3,691/2000; Decree No. 5,934/2006, and Law No. 13,445/2017.

165. Regarding the right to set residence with no request for authorization, this right is guaranteed not only for Brazilian-born or Brazilian-naturalized individuals, but for foreign nationals as well. In 2009, Law No. 11,961/2009 became effective, allowing the temporary residence of foreign nationals living under irregular status in the Brazilian territory. The Migration Law (Law No. 13,445/2017) also expanded the list of possibilities of temporary residence for immigrants in Brazil, including granting this benefit to stateless individuals, individuals seeking asylum, and refugees.

166. In 2010, studies to implement an electronic travel document in accordance with the International Civil Aviation Organization rules, began, after implementation of two pilot projects for electronic passports to ensure a more effective and secure migration control. As to international traffic, the International Traffic System is being implemented in all immigration points, which shall maintain efficiency during entry and exit of people in and out of Brazil.

167. Within the context of promotion of urban mobility, attention is called to the enactment of Law No. 12,587/2012, which created the National Policy for Urban Mobility, based on the concept of Sustainable Urban Mobility, defined as “the result of a set of policies for transportation and circulation that aims at providing full and democratic access to the urban space, through the prioritization of the non-motorized and collective effective transportation that does not cause space segregation and that is socially inclusive and ecologically sustainable.” According to a survey of the Ministry of Regional Development, until 2016, 171 cities, about 23% of the Brazilian population, declared having prepared an Urban Mobility Plan. This sample is equivalent to only 5% of the 3,341 cities required to have mobility plans. Brazilian cities that do not have urban mobility plans have to do so by April 2019.

168. The main actions aimed at the promotion of transportation and urban mobility are included in the Growth Acceleration Program (PAC for Urban Mobility), encompassing mobility actions in medium and large cities, in addition to pavement works and improvement of urban streets aiming at improving mobility and accessibility conditions for the low-income population, especially in poorer areas.

169. It is also important to highlight the Avançar Cidades project, launched in 2017. This initiative aims at improving the circulation of persons in urban environments through funding of urban mobility actions aimed at road improvements, collective public transportation, non-motorized transportation (active transportation), and preparation of urban mobility plans and executive projects. Until now, 549 proposals have been selected, with a total investment of about R\$3.8 billion towards Brazilian urban mobility

170. A number of 11 undertakings have already been concluded, amounting to R\$912.8 million for the construction of 34.1 km of collective transport pathways in five states, benefitting six Cities. There are 44 undertakings in progress, amounting to R\$18.02 billion invested in the construction of 451 km of collective transport pathways.

171. Actions for support of accessibility projects aimed at persons with disabilities and reduced mobility have also been implemented, and 79 Cities have been supported in the preparation and implementation of projects of this nature.

Article 13

Conditions of immigrants

172. The main legal and institutional milestones aimed at protecting immigrant rights in the national territory are article 5 of the Brazilian Federal Constitution and Law No. 13,445/2017 – Migration Law.

173. The new laws and regulations made progress such as the creation of the humanitarian visa. This type of visa satisfies specific demands, such as that of the stateless persons and those who arrive at Brazil due to, for example, situations of environmental disaster, armed conflicts, and serious violations of human rights. Another important issue included in the law was the protection of stateless persons. The process of acknowledgement of the condition of statelessness must be initiated at the request of the interested party to the Ministry of Justice and Public Security or to the Federal Police. During processing, the applicant is entitled to all guarantees and mechanisms for protection and social inclusion, such as an identity card and access to education and health care services. The current wording updated the laws and regulations about extradition, especially active extradition, requested by the Brazilian government, which used to be regulated by a decree-law of 1938. The new Law ensures more legal certainty in the extradition procedures, detailing all procedures to be adopted in the extradition requests.

174. Additionally, concerning expulsion, such Law reinforced the guarantees of the rights of the immigrants set forth in the previous laws and regulations. Expulsion is regulated by articles 54 to 60 of the Migration Law.

175. Additionally, due process of law is ensured during expulsion proceedings, and, if the immigrant does not have an appointed lawyer, the Law establishes that the Public Defender's Office of the Federal Government shall act. Therefore, the guarantees of the immigrants set forth in the PIDCP are complied with.

176. From 2010 to October 2014, the UN High Commissioner for Refugees – UNHCR identified an increase of more than 14 times in the number of individuals being forced to enter the Brazilian. In the same period, also according to UNHCR, the number of asylum seekers in Brazil increased more than 930%, and the number of recognized refugees increased approximately 1,240%. This profile has changed throughout the years with the increase in the requests by Syrians and Venezuelans and the decrease in the requests by Colombians. The National Committee for Refugees (CONARE) approved Normative Resolution No. 17, which makes it easier for whoever requests refuge as a result of the Syrian conflict to enter in Brazil.

177. In addition, in the quarter from 2012 to 2015 one of the major challenges faced by Brazil was addressing the flow of Haitian immigrants arriving in the country. After the first earthquake in Haiti in 2010, there was a significant migration flow, reaching, in 2015, a total of 72,406 Haitians accepted into the Country. In 2012, a special category for protection was created, enabling Brazilian consular authorities to issue humanitarian visas to Haitians.

178. It is also important to highlight the current situation in Venezuela and its migration impacts in Brazil. The increasing number of Venezuelan nationals entering the country through the border between the cities of Pacaraima (State of Roraima) and Santa Elena de Uairén (Venezuela) poses challenges to Federal, State and, Municipal Governments in Brazil. In order to regulate the border, structures were built to allow hosting, identification, sanitary inspection, migration regularization, and compliance of Venezuelan nationals to be performed at the moment they entry in the country, in Pacaraima. These structures have been operational since June 18, 2018.

179. In addition to the sheltering measures in the state of Roraima, the Federal Government started to implement, since April 2018, a strategy of interiorization of Venezuelan immigrants to other states. It consists in the voluntary transportation of the Venezuelans to other Federative Units, according to guidelines prepared by the Federal Government with state and municipal governments, as well as organizations of the civil society and international agencies.

180. Venezuela was the country with the largest number of applications for refugee status in Brazil

181. Interministerial Ordinance no. 9 of March 14, 2018, signed by the then Ministers of Justice, Public Security, Foreign Affairs, and Labor, provided for opportunities for migration regularization based on a new legal provision of the Migration Law, namely the granting of residence permit in the interest of the national migration policy.

182. In 2018, Operation Welcome was enacted to coordinate initiatives undertaken by government agencies, civil society organizations and international bodies, to assist Venezuelan migrants that have entered Brazil through Roraima. Since the beginning of the crisis, it is estimated that 264 thousand Venezuelans have entered and remained in Brazil.

Article 14

Equality before courts and access to justice

183. The main legal frameworks safeguarding the rights recognized in the article addressed herein are presented in the report submitted by the Brazilian State in 2004, namely: the Federal Constitution (art. 5, items LIV, LV, LVII, LX, LXIII, LXXIV, LXXV, XXXVIII), the Penal Code of Brazil (arts. 58 and the following, as well as art. 195), and Law No. 7,210/1984 (arts. 25 and 26).

General Overview of the Brazilian Justice System

184. The total expenditure by the Judiciary Branch in 2016 was of approximately R\$84.8 billion, which represents a 0.4% increase over the previous year, which amounts to 1.4% of GDP or R\$411.73/per inhabitant. Most of the spending goes to human resources – 89.5% of total expenses, which corresponds to R\$75.9 billion. There was an increase of 17.1% in expenses related to IT in the Brazilian judicial system between 2009 and 2016, which represented an amount of R\$2.25 billion in 2016. In 2016, the Judiciary Branch had 18,011 magistrates and 279,013 civil servants.

185. In 2016, there were 79.7 million ongoing proceedings before the Judiciary Branch, a number that has been increasing gradually since 2009. The cumulative growth in the period corresponded to 31.2%, i.e., a total increase of 18.9 million proceedings. 29.4 million proceedings were filed in 2016, a growth of 5.6% over 2015. In 2016, each magistrate ruled on an average of 1,749 proceedings, i.e., an increase in 11.4% over 2015. In 2016, magistrates and civil servants processed 30.8 million cases.

Judicial Reform

186. Over the last few years, Brazil has sought to implement urgent and far-reaching reforms in its judicial system, so as to embed in its structure the primacy of respect for human rights.

187. In this regard, Constitutional Amendment no. 45/2004 established guidelines for judicial reform in Brazil. The reform was structured in three pillars: legal reform; an analysis of the Judiciary Branch and the essential functions of the judicial system; and public policies aimed at democratizing access to justice.

188. Among its main innovations, the following stand out:

- (a) the right to a reasonable length of the procedure;
- (b) the proportionality between the number of judges in a court and the effective demand for judicial services by the population of the area considered;
- (c) the continuous operation of the courts;
- (d) the immediate allocation of cases in all levels of jurisdiction; and
- (e) the establishment of the National Justice Council (CNJ).

189. This Constitutional Amendment also led to the conclusion of the II Republican Pact for a more accessible, rapid, and effective justice system through an effective partnership between the three branches of government to carry out essential procedural reforms and update legal rules.

190. Another major innovation resulting from Constitutional Amendment 45/04 was the creation of the CNJ, a national institution with competence to act in all sectors of the Judiciary Branch, so as to ensure its autonomy. It is responsible for coordinating judicial administration, with the objective of improving judicial services, in the interests of citizens, and exercising control over the activities of judges and courts, including through the conduction of disciplinary proceedings and the application of sanctions.

191. CNJ's actions range from combating human rights violations in the Brazilian prison system to preventing and fighting corruption within the Judiciary Branch. It also conducts studies based on statistical data, promotes the training of those working in the judiciary, and implements initiatives to enhance the performance of the judicial system.

192. Finally, the Lava-Jato Operation, an anti-corruption and anti-money laundering initiative that began in March 2014, had a significant impact on the Judicial system. It began with the investigation before Federal Courts of four criminal organizations led by international money launderers.⁷ The Lava-Jato Operation highlighted irregularities in Petrobras, the largest state-owned company in the country, as well as in contracts, such as the one for construction of the Angra 3 nuclear power plant. Its current developments are

⁷ Individuals who traded dollars in the parallel market.

centered in Rio de Janeiro and the Federal District. Moreover, it has criminal inquiries before the Brazilian Supreme Court to investigate facts attributed to persons with jurisdictional prerogative.

Modernization, effectiveness, and transparency

193. Since 2007, the agenda for democratizing the access to justice has been gaining prominence with the implementation of public policies resulting from partnerships between the Executive and Judiciary branches.

194. An important way to achieve this objective is through the computerization of legal proceedings. The activities of the judicial system currently count on an Electronic Judicial Proceedings (PJE) system that aims at enabling magistrates, public servants, and others involved in procedural actions relationship to perform their procedural activities directly in the system, also allowing their follow-up by interested parties.

195. The National Council of Justice and the Brazilian judicial units guarantee the transparency of their internal procedures and actions through laws, resolutions, and recommendations. The objective of this visibility policy is to make accessible to citizens all information about the work of the public body and the expenses of Brazilian Courts.

196. Pursuant to item XXXIII of art. 5 of the Constitution of the Federative Republic, all persons have the right to receive, from public agencies, information of private interest to such persons, or of collective or general interest. To guarantee this, the Law on Access to Information – Law No. 12,527 of 2011 – was enacted. Through such law, publicity became the rule, whereas secrecy became the exception.

197. In the Judiciary Branch, besides from guaranteeing more transparency about the functioning of the courts, this rule facilitates the access for all people to data such as the salary received by officials and magistrates, financial transactions, expenses, and bidding processes.

Measures against corruption

198. With regards to the fight against corruption, the measures provided for in the judicial reform (Constitutional Amendment no. 45/04) seek to ensure greater independence to the exercise of judicial powers. The principles governing the exercise of judicial powers in Brazil are determined by arts. 93 and 95 of the Brazilian Federal Constitution, which were amended by Constitutional Amendment no. 45/04. Those articles address: the requirements for joining the judicial career; promotion following objective criteria of performance and productivity; the provision of official advanced training courses and the promotion of magistrates as a mandatory step in the process of holding this position for life; conditions for removal, placement on paid availability and retirement of the magistrate; and the interdictions and guarantees enjoyed by judges, among others.

199. Law 12,694/2012 provides for measures to protect magistrates and members of the Prosecution Service, especially when they are participating in the conduction of procedural acts regarding crimes committed by criminal organizations.

200. Among other measures to fight corruption and misconduct in public administration, there is the National Strategy for Combating Bribery and Money Laundering (ENCCLA), which aims at promoting the coordination and joint action of public bodies that work with inspection and control, as well as with intelligence services, to enhance the prevention of and fight against corruption and money laundering.

201. The ENCCLA, which was established in 2003, is coordinated by the National Secretariat of Justice of the Ministry of Justice and Public Security. The National Justice Council is part of the group of public institutions engaged with the ENCCLA, which comprises around 70 bodies of the Executive, Legislative, and Judiciary branches, both at federal and state levels, in addition to the Public Prosecution Service.

202. Within the scope of the CNJ, there are also annually approved national goals, which always include the fight against corruption. In the goals approved for 2018, goal no. 4 was to

“Prioritize the prosecution of cases of corruption and administrative misconduct (STJ, State Courts, Federal Courts, and Military Courts of the Union and the Federated States)”.

203. The report on these goals released by the CNJ about 2017 data, based on information provided by the courts, shows that, in that year, 126,237 cases related to corruption were allocated, of which 67,180 were judged, a 53.22% of cases decided. Of these cases, 22,510 were related to administrative misconduct and 44,670 to offences against public administration. In percentage terms, it can be seen that the prosecution of criminal acts related to offences against public administration (57.93%) was higher than that of those related to administrative misconduct (45.81%) (Table 33).

The judgment of military crimes

204. The Brazilian Federal Constitution grants to the Military Courts jurisdiction over military crimes (art. 124). Recently, Law No. 13,491/2017 was sanctioned, which allows the Military Courts to prosecute intentional crimes against the life committed by armed forces personnel against civilians, thus expanding the list of military crimes.

Article 15

Non-retroactivity of criminal law

205. The principle of non-retroactivity of criminal law is enshrined in the Federal Constitution, art. 5, item XL, and in the Brazilian Penal (Code Decree-Law no. 2,848/1940, art. 2), as presented in the 2nd report.

206. The CNJ’s task forces to reassess incarceration have contributed to ensure the effectiveness of the principle of non-retroactivity and of its legal exceptions. The greater part of those who are released as a result of these task forces receive have been so because of the application of the principle of non-retroactivity of criminal law, to the extent that it ensures the application of criminal law within the constitutional and legal boundaries, as well as the retroactivity of the most beneficial criminal law.

Article 16

Legal personality

207. The right to recognition as a person before the law is enshrined in articles 12 and 236 of the Federal Constitution (amended by Constitutional Amendment no. 03/1994), in articles 2, 3, 4, 9 and 16 of the Brazilian Civil Code (Law 10,406/2002), in Law 6,015/1973 and in Law 9,534/1997, as presented in the 2nd report. Moreover, Joint Resolution no. 3 of 2012 of the National Justice Council and the National Council of the Prosecution Service provides for the registry of indigenous people in the civil registration of births. Finally, it is worth mentioning Law 12,662/2012, which grants national validity to the Certificate of Live Birth until the registration of the birth is drawn up.

208. The modification of article 12 of the Brazilian Federal Constitution resulted from the enactment of Constitutional Amendment no. 54/2007, which establishes that those born abroad, to a Brazilian father or a Brazilian mother, provided that they are registered with a competent Brazilian authority or come to reside in the Federative Republic of Brazil and opt for the Brazilian nationality at any time after reaching the age of majority are considered Brazilians by birth. Furthermore, the procedures for transcribing birth certificates of Brazilians born abroad were standardized by CNJ Resolution no. 155/2012, which simplifies them by ruling out the requirement of opening a legal proceeding.

209. As for civil capacity, there has been only one significant change since 2004. It was the revocation by Law 12,010/2009 of article 10 of the Brazilian Civil Code, which provides for the registration, in the public record, of judicial or extrajudicial acts in the process of adoption. Additionally, there was a significant expansion of the right to recognition as a person before the law due to the enactment of the Statute on Persons with Disabilities (Law 13,146/2015), which amended provisions in the Civil Code, so as to determine that disability is no longer a circumstance that gives rise to legal incapacity in the Brazilian legal system.

Following the application of the principle of equality, persons with disabilities are now considered fully capable before the law.

210. According to data from IBGE's "Civil Registry Statistics" report, in 2014, the number of children who had not received a birth certificate in the first year of life dropped to 1%, which indicates an eradication of under-registration of births in Brazil.

211. When it comes to the indigenous population, there was a significant increase in the number of services provided through task forces, between 2010 and 2012, which registered more than 14,000 indigenous people in 4 Brazilian states. However, the civil registration of births of the indigenous population remains a challenge to Brazil, since the 2010 Census indicates that the proportion of the civil registration of births among the indigenous population is lower than that among other groups. Whereas white, black, oriental, and mixed-race people showed percentages equal to or greater than 98.0%, the indigenous people showed a percentage of 67.8%.

212. In 2017, the Technical Subcommittee on Policies to Eradicate Under-registration and Guarantee Access to Basic Documentation for Traditional and Specific Populations and Groups of the National Steering Committee for the Social Policy of Civil Registration of Births and Basic Documentation was created. All of the states of the federation currently participate in the system, which covers 95% of register offices.

Article 17

Protection against arbitrary or unlawful interference

213. The protection against arbitrary or unlawful interference is enshrined in article 5, items X, XI, XII and LXXIII of the Federal Constitution, in Law 9,296/1996, and in article 43, paragraph 3, of the Consumer Protection and Defense Code, as presented in the 2nd report.

214. With regards to the interception of communications, it should be noted that if the limits imposed by the Federal Constitution are exceeded, the results obtained shall be considered null and void and shall not be used in court. It is worth recalling that the conduction of illegal telephone wiretapping resulted in the establishment of a Parliamentary Investigation Committee (CPI) by the Chamber of Deputies in 2009. After 75 public hearings, the CPI prepared an unprecedented quantitative and qualitative survey on the interception of communications in Brazil. As a result of this process, recommendations were made to various public bodies, such as the Ministry of Justice and Public Security, the Federal Police, and the Secretariats of Public Security.

215. Moreover, Law no. 12,737, sanctioned in 2012, typifies digital crimes, ensuring the protection of information and electronic devices, thus reinforcing the right to privacy.

Article 18

Freedom of thought, consciousness, and religion

216. Freedom of thought or conscience is enshrined by article 5, item IV, VI and VIII of the Federal Constitution, in Law 4,898/1965, in Law 9,458/1997, and in article 140 of the Brazilian Penal Code, as presented in the 2nd report.

217. In Brazil, there are still prejudice against certain religions. The hotline "Disque 100" registered, in 2015, an increase of 273.15% in the number of complaints in comparison with the previous year. In 2016, 759 complaints were registered, an increase of 36.51% compared to 2015. In 2017, there were 537 complaints (Table 34).

218. In 2011, at the institutional level, the Advisory for a Religious Diversity Policy was created, in the scope of what was then the Secretariat of Human Rights. In 2013, the National Committee for Religious Diversity, of a participatory nature, was created. Both are responsible for planning and coordinating policies aimed at protecting and promoting religious freedom, tackling religious intolerance, and promoting secularism within the State. There has also been efforts aimed at the creation of state and municipal committees for

religious diversity. In the same year, a specific form of receiving complaints regarding religious diversity was created in the hotline “Disque 100”.

219. Nowadays, religious prejudice is especially directed at African-based religions, and covertly, at Evangelicals and Catholics, who are often disrespected for their opinions. This situation has required the adoption of specific measures toward this religious group.

220. Finally, also in order to curb religious discrimination, the plenary of the National Public Security Council adopted, in 2012, Recommendation no. 010, which determines the inclusion of a session in which references to religious intolerance may be made in criminal investigations’ records.

Article 19

Freedom of opinion, expression, and information

221. The right to freedom of opinion, expression, and information is enshrined in articles 5, item IV, 37, 200 and 220 of the Federal Constitution and in Law 8,078/1990, as presented in the 2nd report.

222. In 2011, the Access to Information Law (LAI) – Law no. 12,527/2011 - was approved, which established the end of everlasting secrecy for official documents, limiting it to a maximum of 50 years. The law further provides that documents related to human rights violations cannot be kept confidential and that information of collective interest shall be spontaneously and proactively disclosed by public agencies, regardless of requests to do so. The LAI has enabled the implementation of the Electronic System for the Provision of Information to Citizens (e-SIC), which allows any individual or legal entity to submit requests for access to information, to monitor deadlines and to receive responses to requests made to bodies and entities of the Executive Branch of the Federal Government.

223. In 2004, the Transparency Portal of the Federal Government had already been launched, allowing citizens to have free access to information related to the management of public resources, ensuring better supervision and transparency regarding the correct application of these resources.

224. The Digital Citizenship Platform is the core instrument for the implementation of Digital Governance Policy, as it establishes a single and integrated channel of the federal government for the provision of information, electronic requests, and the monitoring of public services.

Plurality, diversity, and competition between media outlets

225. Over the last few years, the Brazilian government has been implementing several measures to encourage diversity, plurality, and competition between media outlets. These actions are included in the 2016/2019 Pluriannual Plan (PPA), which provides for policies to stimulate the broadening of the sources of information available to the population through the expansion of public, community, and educational radio-broadcasting, as well as of the access to broadband Internet and through the decentralization of cableTV networks.

226. In 2011, the National Concession Plan for Community Radio-Broadcasting and the National Concession Plan for Educational TV Networks and FM Radio Stations were launched. They targeted cities that still did not have a concession to a network, as well as other cities that had shown an interest in it. Until April 13, 2016, 4,756 concessions were granted to community radio-broadcasting services. Moreover, 3,954 cities are served by at least one network.

Article 20

Prohibition of propaganda for war or advocacy of hatred

227. There have been no significant changes since the 2nd Report. It is important to highlight the establishment of “Humaniza Redes”, a mechanism for combating hate speech online. It is an inter-ministerial initiative to foster citizen participation in the creation of an

online environment free from human rights violations. The program has an Ombudsman that operates online, which was established in partnership with application providers. It maps and assesses online complaints, which are then referred to the National Ombudsman for Human Rights, the Ombudsman for Racial Equality, and the Ombudsman for Women, depending on the case, with a special attention to the protection of children and teenagers.

Article 21

Right to peaceful assembly

228. The right to peaceful assembly is enshrined in articles 5, item XVI, 136, 139 and 141 of the Federal Constitution, as presented in the 2nd report.

229. In June 2013, the then Human Rights Defense Council (CDDPH) adopted Resolution no. 06/2013, which addresses the principle of non-violence in public demonstrations and events, recommending that Government's actions ensure the protection of life, safety for people, and the human rights to freedom of expression and assembly.

230. The STF deemed such allegation valid based on the rights to freedom of speech and association enshrined in the Federal Constitution and in several treaties to which Brazil is a party, as is the case of the ICCPR. Thus, this decision allowed the realization of the "Marijuana Marches" and of similar public events in favor of the legalization of the use of drugs, as long as, instead of praising the use of illegal narcotics, they defended exclusively the decriminalization of the use of these substances.

231. The federal government has acted together with the states' security forces through the discussion and diffusion of police actions during demonstrations and the preparation of several training courses regarding public security in major events.

232. In 2011, STF's rendered a decision regarding ADI 4274/DF, which was referred to STF with a request for the interpretation of Law No. 11,343/2006. The law criminalizes the practices of inducing, instigating, or assisting anyone to improperly using drugs. The Court understood that the use of such Law as "grounds for the judicial prohibition of public events defending the legalization or the decriminalization of the use of narcotics disregards the fundamental right to freedom of association". The Court also claimed that "it is impossible to restrict the fundamental right to freedom of association unless in the two exceptional cases provided for the Federal Constitution itself: the state of defense and the state of siege". Based on the foregoing, the ADI was judged valid.

233. Nonetheless, the Brazilian Government faces challenges. Allegations regarding excessive use of force by State agents during demonstrations have fostered dialogue between federative entities, leading to a deepening of discussions on the use of non-lethal weapons and to the preparation of standardized public security protocols for police actions during public demonstrations. It is also important to highlight both the monitoring, through the National Ombudsman for Human Rights and its partners, of the actions of state security forces in the context of demonstrations and CDDPH Resolution no. 5/2013, which created the Working Group for the Regulation of the Use of Force and Non-Lethal Weapons.

Article 22

Right to freedom of association, including the right to form and join trade unions

234. The right to freedom of association is enshrined in articles 5 (items XVII and XX), 8 and 9 of the Federal Constitution and in article 199 of the Brazilian Penal Code (Decree-Law 2,848/1940), as presented in the 2nd report.

235. Significant progress was made to ensure the full enjoyment of the right to freedom of association through Law No. 11,648/2008, which granted legal legitimacy to National Trade Union Centers to perform as associations provided with attributions beyond their confederate nature.

236. The enactment of Decree no. 7,777/2012, even though it did not fill the legislative gap regarding the right to strike in the public sector, which must be regulated by Law, acknowledges its occurrence since it regulates and guides the conduct to be followed in case of strikes by public servants.

Civil Society Organizations

237. The Federal Constitution guarantees the freedom of association of Brazilian citizens in civil society organizations (OSCs), which may take the form of an association or foundation, among others. Generally, these are entities that aim to promote public welfare, either independently or in partnership with the Government. The Federal Constitution also sets forth the principle of social participation as a way of asserting and strengthening democracy in the country, both for exercising social control over the actions and activities of the Government and for cooperating with the public administration to implement public policies aimed at improving living conditions.

238. In order to provide better conditions for a more active and effective participation of these entities, an Inter-ministerial Working Group was created in 2011, in which government and civil society representatives worked to establish a new Civil Society Organizations Regulatory Framework (MROSC), approved by Law No. 13,019/2014. At the federal level, this law was regulated by Federal Decree no. 8,726/2016.

239. The objective of the MROSC is to improve the legal and institutional environment in which civil society organizations operate, including through their partnerships with the government, so as to allow them to contribute to the strengthening of public institutions and democracy in the country.

Article 23

Right to family life

240. The right to family life is enshrined in article 226 of the Federal Constitution, in Law No. 8,971/1994 and in Law No. 9,278/1996, as presented in the 2nd report.

241. In 2010, Constitutional Amendment No. 66 passed, altering article 226 of the Federal Constitution and enabling the dissolution of legal marriage through a direct divorce, repealing the need for prior separation and compulsory deadlines for seeking divorce.

242. The centrality of the family when it comes to social welfare is reaffirmed in the specific laws of Social Assistance, in the Organic Law of Social Assistance (LOAS – Law No. 8,742/1993), in the Statute of the Child and Adolescent (ECA - Law No. 8,069/1990), in the Statute of the Elderly (Law No. 10,741/2003), and in the National Social Assistance Policy (Resolution No. 145/2004 of the National Social Assistance Council).

243. Brazil's main strategy for the promotion and protection of family life in all of its forms is the Unified Social Assistance System (SUAS), which operates through the Reference Centers for Social Assistance (CRAS) and the Specialized Reference Centers for Social Assistance (CREAS), which offer basic and specialized protection, beyond social assistance services to families and individuals in situation of social vulnerability.

244. It also operates through Bolsa Família, a program of conditional income transfer that targets poor and extremely poor families, and the Continuous Cash Benefit Program, which allows for the transfer of financial resources, granted for life, to elderly persons and persons with disabilities who cannot provide for themselves. The budget directed to the SUAS showed a 314% increase between 2004 and 2014, going from R\$14 billion to R\$58 billion. In percentage terms, in 2004, the amount of the Gross Domestic Product (GDP) invested in the SUAS was of 0.8%, and in 2015 it was of 1.5%.

Same-sex relationships

245. The Brazilian Federal Constitution, in its article. 226, sets forth the following: “for purposes of protection by the State, the stable union between a man and a woman is recognized as a family entity, and the law shall facilitate the conversion of such entity into

marriage”. Based on this understanding, in May 2011, upon the judgment of ADI No. 4,277 and Claim of Breach of Fundamental Precept No. 132, the STF determine, unanimously, that it is mandatory to recognize the stable union between persons of the same sex as a family entity. Likewise, Resolution No. 175 of the CNJ was approved in 2013, prohibiting registry offices and other similar authorities from refusing to celebrate civil marriages of same-sex couples. According to the CNJ, 19.5 thousand same-sex marriages have been celebrated since the enactment of this resolution.

246. The STJ recognized in 2010 the right to the joint adoption of children by homosexual couples that maintain a typical family relationship, creating a legal precedent for future cases.

Article 24

The rights of children and adolescents

247. The right of children and adolescents to a family environment is addressed in the IV and V Brazilian reports to the Convention on the Rights of the Child and its Optional Protocols.

Article 25

The right to participate in the conduct of public affairs, vote and be elected and have access to public service

248. The rights addressed in this article are enshrined in articles 14, 37 and 118 of the Federal Constitution and in the Constitutional Amendment 16/97, as presented in the 2nd report.

249. In order to ensure the right to vote to persons with disabilities, the Superior Electoral Court (TSE) adopted Resolution 23,381/2012, which established the Accessibility Program. Its main objective is to gradually implement measures to remove physical, architectural, communication, and behavioral barriers experienced by persons with disabilities, in order to enable them to access the electoral process in a safe way and with autonomy.

250. It is also guaranteed that there will be either an interpreter of Brazilian Sign Language (LIBRAS) or subtitles in election advertising on television. According to data from the TSE regarding the 2014 elections, 148,600 voters with some form of disability voted in one of the 32,267 specialized polling places throughout the Brazilian territory.

251. With regards to the right to vote of illiterate persons, according to data from the TSE, there are, in Brazil, 6,573,500 illiterate voters registered, which corresponds to 4.46% of the total number of voters. For illiterate persons, voting is optional. Nevertheless, when illiterate persons decide to vote and do not know how to sign their names, they may confirm their identity through their fingerprint.

252. Brazil’s electoral courts recognize the right of transgender voters to request the inclusion of their chosen name in their voter registration cards, allowing them to update their voter registry according to their gender identity. In 2018, 6,280 voters could vote using their chosen name.

253. Constitutional Amendment No. 52/06 removes the need for a linkage between candidates at national, state, district, and municipal levels. In 2006, a mini-reform was also undertaken in the electoral system, as provided by Law No. 11,300/2006, with two main purposes: to reduce expenses with electoral campaigns and to change the rules regarding fundraising and allocation of resources in campaigns. Regarding the funding of campaigns, the Law established, among other things, the obligation to render account in public reports of all of the funds received and the expenditures incurred.

254. Moreover, there was the enactment of Complementary Law No. 135/2010, known as the Clean Record Act. It’s constitutionality was restated in a decision rendered by the STF in 2012. This law, which stemmed from a bill of popular initiative that gathered 1.3 million signatures, provides for the ineligibility for eight years of candidates that have their terms of

office revoked, resign to avoid their terms from being revoked, or are convicted by decisions rendered by a collegiate body.

255. With regards to the implementation of affirmative actions towards Afro-Brazilians, Law No. 12,990/2014 was approved, which reserves for Afro-Brazilians 20% of the vacancies for public positions to be filled at the federal level.

256. Additionally, with the objective of enhancing the inclusion of Afro-Brazilians in the job market, it was established a reserve of 30% of the vacancies made available in internship selection processes for the public administration, including its foundations and independent agencies. Decree No. 9,427 of June 28, 2018 was an important initiative for Afro-Brazilians, being the result of a claim from the Afro-Brazilian movement.

Article 26

Equality before the law and non-discrimination

257. Equality before the law and non-discrimination are enshrined in articles 3, 4, 5 and 7 of the Federal Constitution, in article 140 of the Brazilian Penal Code, in Law No. 7,716/1989, Law No. 8,081/1990, Law No. 8,842/1994, Law No. 9,459/1997, Law No. 10,741/2003 and Law No. 10,639/2003, as presented in the 2nd report. Over the last few years, there has been significant progress towards the expansion of this legal framework in order to ensure the enjoyment of rights in an equal way.

258. The issues of discrimination and racial equality, as well as LGBT rights, shall be detailed in the III Report to the Covenant on Economic, Social and Cultural Rights. The rights of persons with disabilities was detailed in Brazil's I Report to the United Nations' Convention on the Rights of Persons with Disabilities.

Article 27

Rights of ethnic, religious, or linguistic minorities

259. The rights of Brazilian ethnic, religious and linguistic minorities are enshrined in articles 210, 215 and 231 of the Federal Constitution, as presented in the 2nd report.

Other traditional peoples

260. A distinctive feature of the Brazilian reality is its cultural and ethnic diversity. In paragraphs 1 to 34, regarding article 1 of the ICCPR, there are the answers to the questions of the treaty body with respect to indigenous peoples, quilombola communities, and the Roma people.

261. When it comes to the protection of rights and the promotion of the culture and customs of people of African origin, the I National Plan for the Sustainable Development of Traditional Peoples and Communities of African Origin was launched in 2013. This Plan aims specifically at guaranteeing the rights of this people, protecting their cultural heritage, and fighting extreme poverty among them.

262. In compliance with Ordinance No. 1,316 of November 23, 2016, the SNPPIR, supported by consultants of the United Nations Development Programme (UNDP), has held meetings within an Inter-Ministerial Working Group to define the guidelines for the preparation of the II National Plan of Policies for Traditional Peoples and Communities of African Origin and People of Terreiros, which shall be launched shortly.

263. Several other actions have been implemented on behalf of traditional peoples and communities of African origin. An important step was a survey of these peoples and communities in capitals and metropolitan regions of four Brazilian States, in order to create a database to guide public policies for these communities.

264. In 2010, the then Ministry of Social Development (MDS), currently Ministry of Citizenship, and the United Nations Educational, Scientific and Cultural Organization (UNESCO), in partnership with the SNPPIR and the Palmares Cultural Foundation (FCP), carried out a research aimed at the acknowledgement and promotion of the traditional

communities of terreiros in Brazil. The purpose of making this inventory was to map and compile social and economic information focused on food security in these communities. This work was carried out in the metropolitan regions of Belo Horizonte (state of Minas Gerais), Belém (state of Pará), and Recife (state of Pernambuco), with data collection and improvement of specific knowledge about these communities.

265. There are currently 5,631 families from traditional communities of terreiros registered in the CadÚnico and 3,157 that are receiving the benefits from the Bolsa Família Program. Moreover, there the Initiative for Food Distribution to Specific Groups of Traditional Peoples, which aims at acquiring basic foodstuffs to be distributed freely in food baskets, in order to assist indigenous and other traditional communities families in a situation of food and nutritional insecurity. This is a public policy adopted in emergency situations, that complement other strategies to ensure permanent access to food. This initiative is carried out in partnership with the National Supply Company (Conab), which receives resources from the Ministry of Citizenship in order to operate.

266. The following groups are benefited by the Initiative for Food Distribution to Specific Groups of Traditional Peoples: indigenous peoples; remaining communities from quilombos; and families living in squatter camps.
