



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of Brazil*

Anti-corruption measures (arts. 2 and 25)

1. Please describe the legal framework in place to punish corruption, including details of the way in which the Clean Company Act is enforced and of any other anti-corruption legislation in place. Please provide data on the number of investigations, prosecutions and convictions for corruption, including whether the defendants are high-level officials – and, if not, details of the officials’ level – and including up-to-date information on the status and outcomes of investigations initiated in the context of the Lava-Jato Operation. Please provide additional information about the scope and outcomes of the National Strategy for Combating Bribery and Money Laundering. Please also respond to allegations of corruption in the context of public procurement processes for resources to address the coronavirus disease (COVID-19) pandemic, including by providing any information as to whether the former Governor of Rio de Janeiro, Wilson Witzel, will face criminal charges for alleged graft in the purchase of medical supplies.

Fight against impunity and past human rights violations (arts. 2, 6–7 and 14)

2. With reference to the Committee’s previous concluding observations,¹ please provide information about progress made during the reporting period to hold to account perpetrators of historical human rights abuses during the military dictatorship (1964–1985), including the concrete implementation of the recommendations of the Amnesty Commission and the National Truth Commission. Please include any available data on convictions for such violations and compensation payments to victims, including redress provided to indigenous peoples in cases where violations of their rights were identified. Please comment on the compatibility of the 1979 Amnesty Act with the recommendations of relevant truth commissions and the provisions of the Covenant.

Non-discrimination (arts. 2, 19–20 and 26)

3. Please indicate the legislative and other measures that have been taken to combat discriminatory laws and social practices based on sex, sexual orientation, race, religion, membership of an indigenous group, disability, albinism, socioeconomic status or ethnicity. Please describe the measures taken to protect individuals facing intersecting forms of discrimination. Please provide additional information on the expansion of the anti-discrimination legal framework, including whether this expansion includes steps to develop dedicated anti-discrimination legislation.

4. Please respond to allegations of increasing hate speech, including by high-level politicians and online, against people of African descent, lesbian, gay, bisexual, transgender and intersex individuals and indigenous peoples. Please describe the measures taken by the State party to protect those at risk, including additional information about the scope and outcomes of the *Humaniza Redes* programme. Please outline the legal framework in place to

* Adopted by the Committee at its 134th session (28 February–25 March 2022).

¹ [CCPR/C/BRA/CO/2](#), para. 18.



prevent and punish hate speech, clarify whether hate speech is criminalized in domestic law and provide data on the number of complaints, investigations, prosecutions and convictions for such offences during the reporting period.

Gender equality (arts. 3 and 26)

5. With reference to the Committee's previous concluding observations,² please provide information about: (a) the resources allocated to programmes designed to promote gender equality and the rights of women during the reporting period, including the budget of the Ministry of Women, Family and Human Rights; (b) the State party's efforts to increase the participation of women from marginalized groups, including Roma, indigenous peoples and people of African descent, in senior decision-making roles in both the private and public sector; and (c) the measures taken by the State party to address obstacles to increased political participation by women, including the steps taken, such as the promulgation of Act No. 14,192/2021, to protect women participating in electoral processes from harassment, threats and violence.

State of emergency (art. 4)

6. Please provide information about the measures taken by the State party to address the COVID-19 pandemic and about the legal basis for any such measures. In particular, please specify whether any such measures derogate from the State party's obligations under the Covenant. If so, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and were limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic.³

Counter-terrorism measures (arts. 2, 4, 7, 9, 14–15, 17 and 21)

7. Please provide information about the status and material scope of legislative measures to expand the counter-terrorism legal framework, including Bills No. 272/2016 and No. 1595/2019, and about the efforts made to hold meaningful consultations with affected stakeholders during the drafting process. Please respond to allegations that proposed legal amendments contain broad and imprecise definitions of terrorism, and provisions that risk criminalizing rights under the Covenant, including the defence of human rights by civil society organizations and social movements, and shielding perpetrators of human rights abuses from liability, including those abuses taking place in the context of peaceful assemblies, and that erode legal certainty and fair trial rights. Please provide information about the national counter-terrorism system and national counter-terrorism policy included in the draft legislation, including their proposed powers and whether they will be independent from the executive Government. Please detail the powers of monitoring and surveillance outlined in the proposed counter-terrorism legal framework and the degree of judicial oversight of such powers, and comment on their compatibility with the provisions of the Covenant.

Violence against women, and domestic violence (arts. 2–3, 6–7 and 26)

8. With reference to the Committee's previous concluding observations,⁴ please provide more detailed, disaggregated data on the prevalence of all forms of violence against women during the reporting period, including a breakdown of offences and the ethnicity, race and socioeconomic background of the victims. Please respond to reports of significantly higher rates of femicide, and other forms of violence against women, against women of African descent than against other women, and describe the measures taken to provide specific protection for women of African descent. Please provide information about the funding allocated to programmes designed to prevent and address violence against women, including shelters, and clarify whether the State party intends to review the implementation of relevant legal provisions, in light of the continuing high levels of violence against women. Please also

² Ibid., para. 10.

³ CCPR/C/128/2.

⁴ Ibid., para. 11.

describe the impact of the COVID-19 pandemic on women's and girls' vulnerability to domestic violence and provide information about any targeted protection measures taken by the State party.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6–8)

9. With reference to paragraph 8 of the Committee's general comment No. 36 (2018), please respond to reports that women and girls, including victims of rape and incest, do not consistently have access to the services necessary to safely terminate pregnancies under the circumstances that are legal in the State party. Please provide information on the number of women who have faced criminal charges for seeking abortion services during the reporting period and comment on the compatibility of such prosecutions with the provisions of the Covenant. Please clarify whether the State party intends to widen the circumstances under which pregnancies may be legally terminated.

Right to life (art. 6)

10. With reference to the Committee's general comment no. 36 (2018) and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, please respond to allegations of the militarization of policing in the State party, including the unnecessary and disproportionate use of force by police and security officers in the poor, marginalized and predominantly Afro-Brazilian neighbourhoods known as favelas, leading to extrajudicial killings and other loss of life, including among children. Please also respond to reports of multiple deaths as a result of police raids during the COVID-19 pandemic, including during a raid in Jacarezinho on 31 May 2020, despite a Supreme Court injunction against such activities, and provide information about the investigations into these killings. Please clarify whether the State party is intending to review Act No. 13,060/2014 and the Government's guidelines on the use of force by public security agents and/or to undertake reform in order to change the culture of policing and significantly reduce its militarization, in light of the ongoing use of excessive and lethal force.

11. With reference to the Committee's previous concluding observations,⁵ please provide: (a) details of the mechanisms in place to receive and investigate complaints of excessive use of force by police and security officers, including details as to how independence and impartiality are upheld in all investigations, whether a unit of prosecutors specialized in police abuse was dissolved in 2021 and whether military justice mechanisms have been used in cases of civilians killed by security forces; (b) up-to-date information of the status and outcome of the investigation into the killing of João Pedro Matos Pinto; and (c) information about the number of complaints, investigations, prosecutions and convictions in cases of violations perpetrated by police and security officers, and the remedies, including compensation, provided to victims, during the reporting period. Please include information about the race of all individuals injured or killed by police violence during the reporting period, including the percentage, of victims of African descent.

12. Please respond to reports of high levels of homicide within the State party and to allegations that people of African descent, indigenous peoples and lesbian, gay, bisexual, transgender and intersex persons are disproportionately victimized. Please provide information about the legal framework in place to punish all forms of hate crime, including details as to whether the State party intends to introduce specific legislation to criminalize homophobia. Please provide any available disaggregated data about the number of complaints, investigations, prosecutions and convictions in cases concerning such crimes, and the remedies, including compensation, provided to victims and their families. Please also describe any measures taken to prevent such violence.

13. Please respond to allegations of enforced disappearance during the reporting period, including violations perpetrated by paramilitary groups, which include police officers and former State officials. Please describe the relevant legal framework in place, and clarify whether it defines and criminalizes all acts of enforced disappearance and assigns penalties that are proportionate to the gravity of the crime, in accordance with the Covenant and other

⁵ Ibid., para. 12.

international human rights standards. Please report on measures taken to conduct prompt, thorough and impartial investigations into all cases of alleged enforced disappearance, including those in which current or former police officers and State officials are implicated, and to subject the perpetrators to criminal justice proceedings. Please include information about the status of the Davi Fiúza case, and about efforts made during the reporting period to investigate previously unresolved cases of enforced disappearance.

14. Please respond to reports of high levels of mortality from COVID-19 in the State party and describe the measures taken to prevent avoidable deaths. Please describe the measures taken to protect vulnerable groups, such as people of African descent, pregnant women and indigenous peoples, from COVID-19 and provide statistics about mortality rates from COVID-19 among these groups as compared to the general population. Please share the findings of the investigation launched by State party's Senate into the Government's handling of the COVID-19 pandemic.

15. Please provide information about the efforts made to prevent and mitigate the effects of climate change and environmental degradation in Brazil, including on the right to life.⁶ Please describe the relevant legal and institutional framework in place to prevent and mitigate the effects of climate change, and respond to reports of insufficient enforcement, and even the rollback, of environmental regulations, including those governing licensing and impact assessments. Please respond to reports of extensive illegal deforestation in the Amazon basin, provide accurate data on the extent of such deforestation and describe the steps taken by the State party to address such practices. Please provide information about the efforts made to reduce carbon emissions, including further investment in sustainable energy sources.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 6–7 and 10)

16. Please describe the efforts made to ensure that an effective national preventive mechanism is in place, and comment on changes made to the mechanism by Executive Decree No. 9831/2019. Please provide available data, disaggregated by race, on the number of complaints from persons deprived of their liberty of torture during the reporting period, and respond to allegations that individuals of African descent are more likely to be victims of torture than other individuals, including in the State party's prisons. Please describe the mechanisms in place at the state level to receive and investigate cases of torture, and provide data on the number of complaints, investigations, prosecutions and convictions in such cases, and the remedies, including compensation, provided to victims, during the reporting period.

Liberty and security of the person and the treatment of persons deprived of their liberty (arts. 9 and 10)

17. With reference to the Committee's previous concluding observations,⁷ please respond to reports of severe overcrowding, inter-prisoner violence and a lack of adequate hygiene, health and recreational facilities in the State party's prison system. Please describe the measures taken to reduce the number of pretrial detainees in the prison system, including details as to whether custody hearings are being held in all municipalities and have been continued during the COVID-19 pandemic. Please indicate whether the State party will consider increasing the use of alternatives to detention, particularly in cases of non-violent offences, addressing the high rate of recidivism among those released from the prison system, and/or evaluating the Prison System Support Programme. Please also describe the steps taken to protect the prison population from COVID-19 and respond to reports of deaths from the disease among detainees.

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8 and 26)

18. With reference to the Committee's previous concluding observations,⁸ please describe the steps taken to identify and rescue victims of forced labour and trafficking in persons,

⁶ General comment No. 36 (2018), para. 62.

⁷ CCPR/C/BRA/CO/2, para. 16.

⁸ Ibid., paras. 14–15.

including details of the budget assigned to the labour inspection regime, and systems in place to identify victims of all forms of trafficking. Please respond to reports that people of African descent, migrants and indigenous peoples are disproportionately represented among victims of forced labour and trafficking in persons, and describe the measures taken to address systemic vulnerability to and demand for forced labour and trafficking. Please provide more detailed information about the number of complaints, investigations, prosecutions and convictions in cases of forced labour and trafficking in persons during the reporting period, and the remedies, including compensation, provided to victims. Please include information about the severity of penalties, whether of a criminal or an administrative nature, imposed on perpetrators.

Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12–13 and 24)

19. Please provide information about the introduction of ordinance No. 1/2017 and respond to reports that unaccompanied minors and children are experiencing delays in gaining access to the asylum procedures mandated by this legislation. Please respond to reports of delays in the resettlement of persons from the Bolivarian Republic of Venezuela who are in need of international protection, resulting in their living in precarious street situations. Please describe the steps taken by the National Committee for Refugees and other relevant bodies to ensure that the asylum system effectively responds to the needs of indigenous peoples displaced by the humanitarian situation in the Bolivarian Republic of Venezuela. Please also describe the legal measures that were taken to restrict access to the State party's territory during the COVID-19 pandemic, including the introduction of Ordinance No. 655/2021, and discuss the compatibility of such restrictions with the State party's obligations under international law, including full respect for the principle of non-refoulement.

Access to justice, independence of the judiciary and fair trial (arts. 2 and 14)

20. With reference to the Committee's previous concluding observations,⁹ please describe the measures taken by the State party to address inequalities, including on the basis of race, within the justice system. Please respond to reports of politicization and corruption in the judicial system and describe the measures taken to address declining trust in the justice system. Please provide information about access to legal aid and public defence across all states, and respond to reports that the budget of the national Public Defender's Office was cut significantly in 2020. Please also respond to reports that the COVID-19 pandemic has affected the fair trial rights of individuals, including through restricted access to lawyers in prisons and delays and cancellations of hearings.

21. Please describe the measures taken by the State party to uphold the independence of all lawyers, judges and prosecutors from the executive and legislative branch. Please respond to allegations that lawyers involved in high-profile political cases, have been subjected to intimidation and interference in their work. Please also respond to reports of public verbal attacks, including by high-level State officials, against the judiciary, including the Supreme Court, and comment on the compatibility of such practices with full respect for judicial independence and impartiality.

Right to privacy (art. 17)

22. With reference to the Committee's previous concluding observations,¹⁰ please respond to multiple reports of evictions without adequate notice and prior consultation during the reporting period, in particular those affecting indigenous peoples and those that took place in the context of the State party's preparations to host the 2016 Olympic Games. Please provide information on any investigations into such forced evictions and the way in which the Government has addressed the issue of resettlement and compensation for victims.

⁹ *Ibid.*, para. 17.

¹⁰ *Ibid.*, para. 6.

23. Please describe the regulatory framework at the federal and state levels governing the collection, storage, use and retention of people's data, including biometric data, including through the use of facial recognition technology, by both Government and non-State actors, and the available avenues to challenge such collection and retention. Please respond to reports that a presidential decree in October 2020 mandated the consolidation of all public data sources, and discuss whether such measures were subject to public consultation and/or independent oversight. Please also respond to allegations that educational technology websites and applications, which were endorsed and used by the education authorities of Minas Gerais and São Paulo, harvested and sold data collected in the context of online educational activities provided to children during the COVID-19 pandemic.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

24. Please clarify whether the State party recognizes the right to conscientious objection to military service in law and practice. Please respond to reports that religious minorities, including those of the Jewish and Candomblé faiths, are subjected to various forms of discrimination and persecution, including derogatory remarks by high-level public officials, physical assaults and incidences of hate speech. Please describe the steps taken to prevent violent attacks against Afro-Brazilian and indigenous places of worship, and to hold to account those responsible for such attacks.

Freedom of expression (arts. 19–20)

25. Please respond to reports of violent attacks, harassment, threats, online attacks and intimidation against journalists, including from high-level public officials, particularly against journalists that cover issues such as corruption, violent crime and the Government's COVID-19 response. Please provide information about the legal provisions in place that criminalize insult, slander and defamation and the frequent use thereof to restrict online expression, and comment on whether such provisions have a chilling effect on freedom of expression and are compatible with the provisions of the Covenant. Please also provide information about the current status and material scope of Bill No. 2630/2020 on "Freedom, responsibility and transparency on the Internet", known as the "Fake News Bill", and respond to reports that the draft legislation allows for serious restrictions of freedom of expression and was developed without the meaningful consultation of affected stakeholders.

Rights of peaceful assembly and to freedom of association (arts. 21–22)

26. With reference to the Committee's general comment No. 37 (2020) and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement, please respond to reports of the excessive and lethal use of force during the policing of peaceful assemblies, including those on June Day in 2013, large-scale protests in Amapá in 2020, anti-racism protests, student protests, and indigenous protests in Brasilia in 2021. Please provide information about the outcome of any investigations into excessive use of force during protests, including in cases of serious injury, such as those affecting Deborah Fabri, Sérgio Silva and Edvaldo Alves. Please respond to reports that individuals such as Elisa Quadros Pinto Sanzi and Janice Ferreira da Silva have faced lengthy prison sentences for exercising their right of peaceful assembly. Please also comment on reports that labour law reforms in 2017 restricted the rights of labour unions and that such rights are further at risk because of the planned transfer of relevant competences from the Ministry of Labour and Employment to other government bodies.

Human rights defenders (arts. 6, 17, 19–22 and 26)

27. Please describe the steps taken by the State party to safeguard civic space, including the measures taken to protect human rights defenders, including environmental defenders, indigenous peoples, religious organizations, people of African descent, women and lesbian, gay, bisexual, transgender and intersex persons from violent attacks, threats, intimidation and harassment. Please include information about the Programme for the Protection of Human Rights Defenders, Communicators and Environmental Defenders and the number of people protected in each state, and respond to reports that the programme is not consistently effective and has been developed and implemented without meaningful consultation with affected

stakeholders. Please also explain why the budget for the programme decreased in 2015, 2016 and 2017 and provide up-to-date information on the resources dedicated to the programme.

Participation in public affairs (arts. 25–26)

28. Please respond to reports of violence, intimidation, threats and harassment directed at political candidates and politicians in the run-up to the 2018 general elections and the 2020 municipal elections. Please provide information about the steps taken to protect political candidates and politicians, including women, people of African descent and lesbian, gay, bisexual, transgender and intersex persons, from such attacks. Please provide information about the investigations undertaken into acts of violence against politicians and political candidates, including Marielle Franco, and clarify the steps that have been taken to hold perpetrators to account and to provide access to remedies for victims. Please include information about the measures taken by the State party to ensure the non-repetition of such human rights violations and to prevent a chilling effect on political representation, particularly in light of the upcoming 2022 general elections.

Rights of minorities (arts. 1 and 27)

29. With reference to the Committee's previous concluding observations,¹¹ please respond to reports that provisions in article 231 (2) of the Constitution are yet to be consistently implemented and that progress towards the demarcation of indigenous lands has significantly slowed in recent years. Please clarify the legal basis of the limitations on time frames relating to claims for the demarcation of indigenous land and provide information about the current status of the Supreme Court judgment in the case brought by the Xokleng indigenous community. Please provide information about the current status and material scope of proposed constitutional amendment No. 187, and clarify whether it allows for the commercial exploration of indigenous lands.

30. Please respond to reports that the mandate of the National Indian Foundation has been significantly weakened, including through budget cuts and the appointment of senior officials who oppose its mandate. Please describe the measures taken by the State party to uphold the principle of free, informed and prior consent in the development of all legislative, policy and programme measures affecting indigenous peoples. Please respond to reports of recent legislative measures designed to curtail the rights of indigenous peoples, including Legislative Decree (PDL) No. 177/2021, which proposes denouncing the International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169). Please also provide information about the steps taken by the State party to provide support to meet the specific needs of indigenous peoples during the COVID-19 pandemic.

¹¹ Ibid., para. 6.