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under article 40 of the Covenant**

**Replies of Brazil to the list of issues in relation to
its third periodic report* ****

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* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



Anti-corruption measures (arts. 2 and 25)

Question 1

1. It is possible to state that Brazil has an anti-corruption microsystem, consisting of legal rules of distinct hierarchies, which encompasses various legal regulations and assigns to institutions and powers with different mandates and responsibilities the tasks of inspection, control and repression of illegal acts, by imposing multiple punishments.
2. Regarding the Clean Companies Act or Anti-corruption Act, the Law N. 12,846/2013 allows for the objective accountability (in civil and administrative levels) of legal persons who practice harmful acts to the Public Administration, national or foreign. This regulation has a punitive and preventive impact, because it affects the companies' assets and public image, besides bringing incentives for the consolidation of compliance mechanisms in the relationships between the private sector and the government. The Act constitutes a landmark in the fight against corruption. It eliminated the requirement to demonstrate individualized responsibilities, being enough to demonstrate that the company benefited from the fraud perpetrated. Before the regulation, the maximum penalty the public administration could enforce was the declaration of bad reputability, which prevents the participation in new public tenders and contracts with the government. Other administrative sanctions and judicial measures were added to this Act.
3. The wrongful acts listed in this legal instrument may also allow for judicial proceedings to seek the forfeiture of assets illegally obtained as a result of the offense, directly or indirectly; the suspension or partial ban of the companies' activities; the compulsory dissolution of legal person; and the prohibition of receiving incentives, subsidies, grants, donations or loans from public bodies or entities.
4. Besides establishing the Administrative Proceedings of Legal Persons (PAR, in Portuguese), Bill No 12,486/2013 stipulated the possibility of the Public Administration to negotiate Leniency Agreements with legal persons responsible for the illegal acts written in this legal text. These agreements are made with the legal persons responsible for the perpetration of wrongful acts, in order to exempt or mitigate sanctions, provided they collaborate effectively with the investigations, and that this collaboration results in the investigation of third parties involved in the illegal action, when appropriate, and in the prompt collection of data and documents that prove the action under investigation.
5. In case of a breach of the leniency agreement, the legal person will lose all benefits coming from the agreement. In this case, it will be required to pay fines and other sanctions with full amount and on the spot; it will be prohibited to make business with the government and will be held accountable administratively by the wrongful acts. Moreover, the legal person will be barred from signing another leniency agreement for three years and will be included in the National Register of Punished Companies (CNEP, in Portuguese), a registration created to gather information regarding legal persons which received any of the punishments provided for in the Anticorruption Law.
6. With regard to Car Wash Operation (Operação Lava Jato, in Portuguese), the task force began in 03.17.2014 and was concluded by the Federal Public Prosecution Office in 02.03.2021, when it was incorporated into the Special Action Group of Fight Against Organized Crimes (GAECO, in Portuguese). About the Operation, we have attached relevant data and outcomes.
7. The National Strategy for Combating Bribery and Money Laundering (ENCCLA), created in 2003, is the main articulation network for joint arrangement and discussions over policies to fight corruption. The network relies on an assortment of Executive, Legislative and Judiciary institutions in federal, state and, in some cases, municipal levels, as well as the Public Prosecution Office from different levels.
8. The Integrated Management Cabinet (CGI) is composed of 25 bodies and entities that comprise the ENCCLA and meets every two months to monitor the implementation of the Actions, besides planning and proposing actions and recommendations to be discussed in plenary meetings. ENCCLA envisaged and developed a set of actions aiming at suppressing criminal activities, among which it is worth noting:

9. The actions of fight against corruption and diversion of public resources destined for the fight against COVID-19 pandemic initiated in April 2020 and persists until the current days. It has launched 141 judiciary police special operations, which resulted in the enforcing of 1999 search and seizure warrants and 248 temporary and pending trial arrest warrants. The actions reached all Federative States and the contracts currently under investigation by the Federal Police amount to R\$ 4,995,748,961.17, and it has avoided financial losses in the amount of R\$ 3,282,025,063.08.

10. By order of the Superior Court of Justice, the then Rio de Janeiro State Governor was removed from his duties in the year 2020, on charges of fraud while hiring Social Organizations for the construction of field hospitals for COVID patients' treatment.

11. On 04.30.2021, the Mixed Special Court, consisting of state deputies and appeal judges from the Rio de Janeiro Judiciary Power, sentenced the then governor Witzel to be removed from his position and for the suspension of his political rights for five years due to the crime of responsibility.

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

Question 2

12. The Amnesty Commission, created by Law n. 10,559, from November 13th, 2002, aims at examining amnesty requests which have unmistakable proof of facts related to the suffered persecution, which must have an exclusively political nature, as well as to issue an opinion statement over the amnesty requests.

13. The Amnesty Commission has the role of carrying out inquiries, requiring information and documents, hear witnesses and issue technical reports aiming at dealing with the proceedings and requests, as well as to arbitrate, based on the attained evidence, the amount of compensation in cases in which it is not possible to determine the exact period of time that the applicant was politically persecuted. Moreover, it may request from public, private or mixed companies, during the period covered by the amnesty, the work documents and registrations from the amnesty applicant who may have belonged to their staff.

14. The Amnesty Commission, since its creation based on Bill No 10,559/2002, have examined more than 70.000 applications, publishing its decisions in Ordinances. From these applications, around 40.000 were accepted. The National Treasury has spent around 15 billion Brazilian reais, in economic reparations, as compensations, to the political amnestied and their successors.

15. Considering this, it remains clear that the Amnesty Commission was not created with the purpose, and does not have the responsibility or legal authority, to determine, report or hold accountable perpetrators of human rights violations. This Commission continues to perform its legal role and examining amnesty requirements to pay financial compensations to those who are able to prove political persecution.

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

Question 3

16. Regarding the legal measures adopted to fight discriminatory laws, a chart was included with an extensive list of such measures. Brazil is signatory of ILO Convention 111, which stipulates the punishment of acts of discrimination in the workplace, as pointed out in Article 7, item XXX, of the Brazilian Constitution, which prohibits wage differences on grounds of sex, age, color or civil state. The Consolidation of Labor Laws (CLT, in Portuguese) provides for a fine in case of acts of discrimination for reasons of sex or ethnicity and secures wage equality (Article 461).

17. The Brazilian State is in permanent pursue of legal and political improvement aiming at promoting more equal opportunities for the population, in a cross-sectional and integrated work.

Question 4

18. As for the ‘allegations of the rise in hate speech’, it is worth remembering that according to the United Nations (UN) definition, “‘hate speech’ refers to offensive discourse targeting a group, or an individual, based on inherent characteristics (such as race, religion or gender) and that this discourse may threaten social peace”. In this respect, it can be stated that there are no records of speech with such characteristics issued by any Brazilian authorities.

19. It is worth to emphasize what was stated previously that the legislation prohibits and punishes such offenses. Therefore, the main measures have been to fight the wrongful actions against this population.

20. Education actions are clearly essential for the fight against racism, hate speech and incitement to violence. For that reason, the State introduced, in 2021, within the Human Rights Education Program, the course “ethnic-racial policies: definitions and methods for overcoming racism and inequalities”. Available in the Nation School of Public Administration (ENAP), the course is accessible by anyone through the following link: <https://www.escolavirtual.gov.br/curso/417>.

Gender equality (arts. 3 and 26)**Question 5**

21. The Project “More Women in Power” was developed to support women participation in the political life and public decision-making, aiming at stimulating and strengthening women’s political, democratic and egalitarian participation in areas of power and decision.

22. The Project also seeks to stimulate and strengthen the concept of participatory citizenship through debate over the woman’s role in political and leadership spaces, fostering expansion of women’s participation in positions of power and decision-making in the three federative power spheres, besides encouraging growth in women’s participation in political parties and leadership roles within representative entities of organizations stemming from the organized civil society.

23. The Project also dealt with the subject of political violence against women. Violence against women is one of the main forms of Human Rights violation all over the world and reflects the absence of development and implementation of public policies that consider women agendas.

24. The inclusion of women in politics is a fundamental step for strengthening the Brazilian democratic system. The practice of political violence against women is a discouraging factor for the access to political and leadership positions and a type of discrimination against women. In this sense, the identification and report of political violence consists in an important advancement in the fight against this kind of discrimination.

25. In order to advance this subject, the National Secretariat of Policies for Women (SNPM) requested the inclusion, in the service channel “Call 180”, of a specific service for women to report political violence, aiming at simplifying and speeding up the service and the communication of the complaint to the Electoral Public Prosecution Office, through the Women Ombudsman of the National Council of Public Prosecution (CNPM).

26. Project Qualify Women targets women in a situation of social vulnerability situation, reaching those that suffer violence with urgent protective measures. The project benefits immigrant women; women that own small businesses; imprisoned and former inmate women; rural women; indigenous women; quilombola women; extractivist community women; women from traditional people and communities; urban women; young women; LGBT women; favela women; women in science, mathematics and engineering; women in industry; women in construction industry; black women; women with disabilities; women responsible for people with disabilities; women in street situation; river communities women; artisan women; head of household women; farmer women; single women; refugee women; settled women; among others.

State of emergency (art. 4)

Question 6

27. We inform that none of the COVID-19 pandemic combat actions contradicted the commitments taken within the International Covenant on Civil and Political Rights. Additional information on the matter was submitted at the time of the Brazilian State Report to the IV Cycle of the Universal Periodic Review (UPR).

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

Question 7

28. Regarding Bill of Law 272/2016 and Bill N. 1595/2019, we inform that both are still under the legislative consideration before the National Congress.

29. Bill N. 1595/2019 about counter-terrorists' actions, submitted by deputy Major Vitor Hugo, proposes measures such as the improvement of the fight against terrorism structure in Brazil, enhancing counter-terrorists public agents' powers and the response to attacks.

30. Bill N. 1595/2019, currently under deliberation, does not alter or expand the legal list of terrorist acts, however it provides that the anti-terrorists actions and methods will also be enforceable to prevent and repress acts not explicitly classified as terrorism crime, such as acts that (i) are offensive to human life; or (ii) effectively destructive with regard to some critical infrastructure, vital public service or key-resource (art. 1, Paragraph 2).

31. Among other measures, the project anticipates the creation of the National Counter-Terrorism Authority (ANC), appointed by the President and responsible for the enforcement of the National Counter-Terrorism Policy (under the supervision of the Institutional Security Cabinet of the Presidency of the Republic) The ANC would be assisted by a Counter-Terrorism Military Authority and by a Counter-Terrorism Police Authority.

32. Bill N. 1595/2019 establishes that the introduction of the ANC and the structure, organization and operation of the SNC will be laid out by internal regulation, and therefore does not stipulate details regarding their role, jurisdiction and scope of action.

33. It is worth noting that it is not likely that Bill 1595/19 will be approved in the short term.

34. In Brazil, the Federal Constitution has a fundamental principle of rejection of terrorism, and also has a Constitutional clause that expressly criminalizes terrorism (Article 5, XLIII).

35. Law N. 13,260/2016 regulates item XLIII and provides over the fight of terrorism in the country, dealing with investigating and procedural provisions as well as reformulating the concept of terrorist organization. Article 2 defines terrorism and list terrorist acts, providing for imprisonment sentences of up to 30 years, complemented by sanctions corresponding to the gravity of the perpetrated acts. The terrorism definition in the Brazilian legislation requires the simultaneous occurrence of: a) specific reasons that lead the perpetrator to act; b) with the purpose of causing social or widespread terror; c) expose a danger to a person, property, public peace or public safety; and d) specific act.

36. In the second paragraph of the Article 2 the law clearly prevents that individual or collective actions aiming at defending rights and expressing ideas may be accused of terrorism. The law seeks to protect constitutional rights and guaranties, such as freedom of expression and the right to free association, in line with international treaties such as the International Covenant on Civil and Political Rights, ratified by Brazil and confirmed by Decree N. 592/1992.

37. As for item "c", Article 13 of the Project does not shelter human rights offenders, but it addresses the acts of self-defense for their own or for third parties. Even though it does not present a refined legislative technique, mixing legitimate defense and wrongdoings in the enforcement, the instrument does not have the capacity to support alleged offenders, even

because the Federal Constitution prohibits any new legal text against human rights, according to Article 1, item III, and Article 4, item II, among other constitutional provisions.

38. The definition of terrorism and the criminal types envisaged by Law N. 13,260/2016 are, therefore, in line with the existing international standards by criminalizing conducts of violence or major threat to the person, the use of explosives, toxic gases or means of mass destruction with determined motivations and purposes.

39. Brazil follows the due legal process and judicial reserve clauses faithfully, which are embedded among the fundamental rights and guarantees. It is written in the Brazilian Constitution (Article 5, item LIV) that no one shall be deprived of freedom or of his assets without the due process of law. It also establishes (Article 5, items XXXV and XXXVII) that the law shall not exclude from Judicial review any injury or threat and that there shall be no exception tribunal or court.

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

Question 8

40. Indicators on inequalities among women and men and on violence against women are compiled and made available in the Women's Annual Social-Economic Report (RASEAM, in Portuguese). The requested data was taken from the report and included in the charts in Annex II.

41. The Brazilian State has enacted, in the year 2006, Bill N. 11,340 (Maria da Penha Bill), which creates mechanisms to suppress and prevent domestic and family violence against women. Besides listing the kinds of violence against women (patrimonial, sexual, physical, moral and psychological), the Bill provides over the creation of Domestic and Family Violence against Women Courts and establishes measures of support and protection to women in situation of domestic and family violence.

42. The House of Brazilian Women (CMB, in Portuguese), in line with Maria da Penha Bill (Bill N. 11,340/2006), is a service which comprises the strategies of combating violence against women coordinated by the National Secretariat of Policies for Women (SNPM). The CMB integrates, in the same space, specialized services to assist women in situation of violence: psychosocial support, police station, public defender, health services and playroom for their children.

43. At the moment there are 7 (seven) Houses of Brazilian Women in operation. They are located in Campo Grande/MS; Brasília/DF (opened in 2015, closed in 2018 and reopened in 2021), Curitiba/PR; São Luís/Ma; Fortaleza/CE; Boa Vista/RR and São Paulo/SP.

44. Attached chart indicates the number of services carried out between the years 2019, when the data started being collected, and 2022 (until May).

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6, 7 and 8)

Question 9

45. Questions concerning reports and complaints require sources and more details, in order to enable verification, because it is not possible to answer in general terms. However, it must be pointed out that in Brazil every woman has a guaranteed right to a safe, humanized and satisfactory service during pregnancy, delivery and postpartum.

46. The service, provided through the Single Health System, is based on guidance and training for the integral health attention to women, in a perspective which contemplates health promotion and the needs of the feminine population, control of the most prevalent diseases in this group and the assurance of the right to health.

47. Thus, every woman seeking service is assisted within an inclusive dynamic, in which their emerging or former demands are met, in all levels of welfare assistance, and in its more

comprehensive dimension, aiming at the creation and expansion of necessary conditions for the exercise of women's rights, according to legal provisions.

48. Regarded as crime in Brazil, abortion is not punishable only in two situations: in case of pregnancy due to rape, or when the pregnancy may be life threatening. Furthermore, there is another possibility for ruling out punishment, based on the Federal Supreme Court (STF) decision, in 2012, which recognized that cases of pregnancy of anencephalic fetus with brain malformation are also applicable. In the remaining cases, the practice may be punished with up to 3 years of reclusion, as stated in the Criminal Code.

49. The Brazilian government reiterates its commitment with the right of women to practice their sexuality and reproduction, based on the strengthening of the family, family planning and the human dignity and responsible maternity principles, immune from progressive ideological agendas.

50. The Brazilian State is signatory of international human rights documents through which it has committed to the protection of human life in its origin.

51. The Article 6 of the Convention on the Rights of the Child provides, also, in its item 1 that "States Parties recognize that every child has the inherent right to life" and, in item 2 that "States Parties shall ensure to the maximum extent possible the survival and development of the child".

52. The Brazilian legal framework, in turn, envisages the assurance of the right to life. Article 5 of the Federal Constitution establishes that: "All people are equal before the law, without any distinction whatsoever. Brazilians and foreigners residing in the country are ensured the inviolability of their right to life, liberty, equality, security, and property [...]".

53. In face of the priority of the child's best interest, which, according to the mentioned universal documents, embraces both born and conceived children, the protection and safeguard of their interests and rights prevail over each and every interest which entails exploitation of the unborn child, or even its elimination.

54. It is worth emphasizing that the questions pertaining abortion are under the legislative jurisdiction which, over these years, even after the redemocratization process of the 1988 Constitution, established the will of most of the Brazilian population. As per demonstrated in recent research, 70% of the Brazilian citizens declare to be against abortion legalization, which reinforces the results of representative work from the National Congress about the subject.

Right to life (art. 6)

Question 10

55. During the pandemic, a Claim of Non-compliance with Fundamental Precept (ADPF) N. 6357 was entered by PSB political party to interrupt police operations and to demand the reduction of the lethality rate that results from police actions. The injunction was partially accepted in a solitary vote by Minister Judge Fachin on June 5th, ratified by the full court in August 2020. It is worth mentioning that Jacarezinho killings took place merely a few weeks after the Federal Supreme Court public hearing, on April 16th and 19th, which relied on a dozen of complaints from social movements, institutions and non-governmental organizations on the abuses that was taking place in the operations happening against the decision.

56. Research on police operations efficiency between 2007–2020 carried out by the Federal University in the State of Rio de Janeiro (Universidade Federal Fluminense) has pointed out that the outcomes of the use of operations and mega operations by the police are found to be either disastrous (12.5%), inefficient (32.4%) or lacking efficiency (39.9%), using as assessment parameters the operations justifications, number of deaths and injuries and apprehensions, with merely 1.7% of them being considered efficient.

57. Nevertheless, according to data from another research by the same group, there were 4,654 police operations in 2019 (when the secretariat of public security was terminated) and

3,559 in 2020 (year of the ADPF 635 injunction approval). Regarding deaths by police intervention, there was an increase in these since 2019 and a small decrease in 2020: in 2018, 1,380 deaths in operations were recorded, while in 2019 it was 1,643 and in 2020, 1,087 (decline of 4.1% in relation to 2019).

58. In a new research, the University indicates that this rise in the operation numbers from October configured a rising steep curve, with an increase of 100% from one month compared to the other, with a 80% death probability in these operations (there were eight deaths for every 10 operations).

59. Because of the ADPF ruling, the State of Rio de Janeiro submitted a plan proposal, which was immediately rejected by the civil society, particularly, the organizations which were part in the ADPF 635 as amici curiae. Once more, the Reporting Justice in the STF has determined that the state government should rebuild the plan, listening to the Public Prosecution Office, Public Defender's Office and Brazilian Bar Association, as well as to carry out a public hearing to listen to the civil society.

Question 11

60. According to the Public Security Annual, in Brazil more than 6,400 people were killed by State agents' intervention in 2020, year in which the COVID-19 pandemic has started, and, among these deaths, 78.9% were of black people, 76.2% had between 12 and 29 years old and 98.4% were male. Though the most recent published data by the Brazilian Public Security Forum indicate that there was a reduction in deaths between 2020 and 2021, not only the profile of the victim of police lethality remains the same, but also the rate in that category rises disproportionately.

61. It is worth demonstrating that from this amount of people murdered by the police in the country, around 25% are concentrated in the state of Rio de Janeiro. Rio de Janeiro police killed, only in 2019, 1,810 people and in 2021, even with the Federal Supreme Court determination within the Claim for Non-Compliance of Fundamental Precept (ADPF) N. 635, 1,356 people were victimized.

62. It is vitally important to highlight that still in the year 2018 a federal intervention took place in the State of Rio de Janeiro, with the appointment of "military intervenor" to head the public security area.

63. Still, Rio de Janeiro is in the first place in the rank of police lethality of children and adolescents, even with half of its records lacking age data. 700 were made victims between 2017 and the first semester of 2020. Even with social isolation, 99 children and adolescents were killed by police officers in 2020, 27% in the capital and 73% in other municipalities. Still, the state accounts for almost 40% of children and adolescents' deaths arising from police intervention in the country, percentage which more than doubled in the last two years.

64. In this scenario, the goal is to build a democratic public security model with the participation of various social segments and not focused merely on security entities.

Question 12

65. Data related to homicide in Brazil are gathered in the Violence Atlas, which consists in a publication made by the Institute for Applied Economic Research (IPEA, in Portuguese, from a partnership with the Brazilian Forum of Public Security (FBSP) and with Jones dos Santos Neves Institute (IJSN). The data are collected by the Mortality Information System (SIM) and the Notifiable Diseases Information System (Sinan) of the Ministry of Health and may be accessed by the following link: <https://www.ipea.gov.br/atlasviolencia/publicacoes>.

66. Concerning the right to life (Article 6), it is one of the most important basic human rights, given its relevance as a prerequisite for the existence and the full exercise of other rights. Even the Constitution places it in a prominent place, including it in Article 5 *caption*:

"All are equal before the law, without distinction of any kind, and Brazilians and foreigners residing in the country are ensured the inviolability of the right to life, liberty, equality, security and property...".

67. It should be noted that the right to life, in line with others, is considered inviolable, a fundamental constitutional clause not subject to change. It is clear, therefore, that the right to life has an immediate connection with the Dignity of the Human Person by recognizing that all individuals have their own dignity, even the unborn – those who are conceived and are yet to be born. And the principle of dignity in the 1988 Constitution was acknowledged as a foundation of the Brazilian Republic aiming at protecting all people, without any distinction. This is the constitutional basis for the several specific law aforementioned that were approved for the protection and guarantees of rights for various vulnerable groups, and which confirms the appreciation of the right to life of all citizens in the national territory.

Question 13

68. It should be noted that the Brazilian State has addressed and clarified the mentioned inquiries on several occasions. We highlight the approach on the subject in the last National Report of the Brazilian State of the International Convention for the Protection of All Persons from Enforced Disappearance.

69. The report on the Convention was submitted by Brazil in 2019, with subsequent answer in 2020 to the list of issues handed by the Committee. In 2021, further clarifications were presented concerning the allegations of enforced disappearances during the reported period in the constructive dialogue before the Committee on Enforced Disappearances.

70. Still, in 2022, a new communication was sent to answer a request during the constructive dialogue, concluding the procedures of the I Report of the Brazilian State to the International Convention for the Protection of All Persons from Enforced Disappearance.

71. Therefore, we kindly ask to refer to such reports and follow-ups already submitted by the State party in response to these inquiries.

Question 14

72. Despite the Brazilian State having explained in other occasions the measures taken by the various areas to aid the fight against COVID-19 and the consequences of the pandemic, we highlight that Ordinance GM/MS N. 894, from May 11th, 2021, has instituted an exceptional provision of federal budget within the Ministry of Health's Primary Health Care to be transferred, in single payment, to the municipalities and Federal District, to fight the Public Health Emergency of National Importance (ESPIN, in Portuguese) arising from the COVID-19.

73. The total amount stipulated by this ordinance was of R\$ 345,432,001.15, in a single payment. As for the expansion of the population access to primary attention, considered a priority in order to stop the spread of COVID-19, we highlight the following ongoing actions: introduction of the Brazil Prevention Program; the expansion of Programs and temporary incentives to cover the operation of all Basic Health Units and Family Health Units in extended schedule; expansion of family health and primary care staff; besides funding Service Centers and Community Centers as reference centers for COVID-19.

74. The measures taken were distinct for each vulnerable group. For indigenous populations, barriers were put in place to prevent the circulation of non-indigenous people in indigenous territories, especially in indigenous territories of voluntary isolation; educational booklets in indigenous languages provided guidance on special care they should take; individual protection kits were distributed and more importantly, indigenous population vaccination was prioritized.

75. Currently, 86% of all indigenous population have already completed immunization, consisting in receiving two doses of the vaccine, and 91% have already received, at least, the first dose.

76. Quilombola population was also prioritized in the vaccination plans and both indigenous and quilombola population received food baskets in order to retain their food security in the most critical months of the pandemic.

77. Besides that, millions of families belonging to these groups were contemplated by the emergency aid paid to more than 68 million Brazilian citizens.

78. Thus far, roughly 0.1% of all indigenous population in the country and 301 persons from quilombola communities passed away as a result of the COVID-19. The percentage of deaths throughout the country is 0.32%.

79. More details on the plans for combating COVID-19, specially within ADPF 709 and 742, please access: <http://www.saudeindigena.net.br/coronavirus/> e <https://app.powerbi.com/view?r=eyJrIjoiM2M4MTBmYTctODRlZS00MTU3LWI2MzEtNmUwNjI4ZmVkYWYWRjliwidCI6ImZiYTViMTc4LTNhZjEtNDQyMC05NjZiLWJmNTE2M2U2YjFkYSJ9>.

Question 15

80. Regarding the item (b) of the question, in the III Report of the Brazilian State to the International Covenant on Economic, Social and Cultural Rights, the Program for land regulation “Legal Land” was mentioned. It was established by Bill N. 11,952 of 2009 and altered by Bill N. 13,465 in 2017.

81. The program seeks to legitimate land tenure of those who ensure their livelihood from them, offering legal security, productive inclusion and access to public policies, because demarcation and rural land titling contribute effectively for the reduction of agrarian conflicts, land speculation and illegal deforestation in the Amazon.

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

Question 16

82. Brazil has established in 2013 the National Mechanism for Torture Prevention and Combat (MNPCT, in Portuguese). Despite the enactment of Decree N. 9,831, from June 10th, 2019, MNPCT is still fully in operation due to a judicial ruling suspending the effects of this Decree.

83. The persistence of police violence and institutional violence in Brazil has been subject of ongoing by international bodies, which point that torture and mistreatment are common practices in the country, compounded with underreporting and lack of accountability. Even so, data from Disk 100, the service of human rights violations run by the National Human Rights Ombudsman, point out that the complaints of police violence have been increasing, going from 446 complaints in 2011, to 1,491 complaints in 2019, most of which (52%) involving imprisoned population.

84. The problem of torture and mistreatment practices affects disproportionately the black population and people in social vulnerability situation, deepening the historical experience of inequality and rights’ violations experienced by these individuals. Besides this, black population is overrepresented in the national prison population as well as in custody hearings. While in 2019 black people (black and brown) represented 56.2% of the Brazilian population, data indicated that 67.4% of the punished were black.

85. On the state level, there are mechanisms such as the Groups to Monitor and Inspect the Prison System and the System of Enforcement Socio-educational Measures (collective know as GMFs) as well as the task forces.

86. Besides that, the GMFs are responsible for planning and coordinating the prison joint efforts (task forces) carried out by the courts, as well as for following the implementation of the recommendations, resolutions and commitments assumed by the CNJ (National Council of Justice – administrative body of the Judicial System) regarding the Prison System. Also, the GMFs of the Courts have the role of watch and inspect the regularity and operation of the custody hearings.

87. It is also a GMF responsibility the standardization of procedures related to the prevention of torture in court hearings – particularly in countryside districts, which usually have different dynamics from the capitals -, monitoring iconic cases and planning actions for

torture prevention, such as trainings and communication campaigns on human rights and institutional violence.

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

Question 17

88. Fostering and implementing this action entails dealing with prison overcrowding in the country and qualifying enforcement and management of alternative sentences. The national policy for alternative sentences is guided by the following principles:

- Principle I: Minimal criminal intervention, eliminating prison sentences and offering alternatives for rehabilitation;
- Principle II: Dignity, freedom and ownership of people in alternative sentences; and
- Principle III: Integrated action among federation entities, the Judiciary and community system for eliminating prison.

89. The premises, principles and guidelines directing the national policy and the building of a management model for the alternative criminal sanctions, developed as a result of a partnership between the National Penitentiary Department and the United Nations Development Programme – UNDP, has the potential of reducing the entry of people into prison system by promoting other efficient means of holding accountable people who have committed minor and lower offenses.

90. This is because the Criminal Alternatives are mechanisms to deal with conflicts and violence within the criminal system, apart from imprisonment, with the goal to restore relations and promote a culture of peace, stemming from an accountability with dignity, autonomy and freedom.

91. The Federal Supreme Court recognition of the Brazilian prison system unconstitutional status was accomplished by the ADPF N. 347, from September 2015, demonstrating the severity of the operational flaws of a system historically permeated by basic rights violations, outside the reach of the Brazilian Constitution and international regulations, where reports of cruel or degrading treatment are abundant, and also of inadequate health services, education, work, nutrition and security, besides the notorious overcrowding.

92. The ruling was issued after the visit of the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) to Brazil, in 2015, which led to a necessary assessment of the prison system situation from a new paradigm. In this sense, CNJ drafted a solid report of the first five years after the judgment of ADPF 347, available in its website (access here https://www.cnj.jus.br/wp-content/uploads/2021/06/Relato%25CC%2581rio_ECI_1406.pdf), addressing the subjects of overcrowding, violence among the inmates and lack of proper hygiene, health and recreational facilities.

93. Regarding the operation of custody hearings during the COVID-19 pandemic period, the National Council of Justice (CNJ) has devised a set of rules concerning the depositions' paperwork in the audiovisual environment and the implementation of witnesses questioning and examination by videoconference, through Resolution N. 105/2010. Thus, it is paramount to understand that the hearing in a digital environment is in-person, only with a relocation from a physical environment to a virtual room, which does not affect the procedure. By installing videoconference rooms in both prison and criminal courts, it will be possible to ensure a more expeditious legal assistance, lower costs and an increase of safety while escorting prisoners, besides allowing for a broader permanence of the legal assistance and social policies for people deprived of liberty.

94. The mentioned proposal aims at financing the acquisition of equipments to carry out videoconference hearing and virtual visitation for people deprived of liberty in the federation units.

95. For that matter, the videoconference alternative has helped to avoid a complete halt to judicial proceedings during the COVID-19 pandemic, which would have led to lengthy delays in the court process because during the pandemic period there was no permission to move prisoners for the judicial proceeding's hearings at the courts (only moving for health care reasons were allowed).

96. As for the health treatment of people in jail, several actions were implemented by the states in the fight against the COVID-19 pandemic within the prison system, aiming for the protection of all imprisoned people and servants. Therefore, the actions were focused on three main pillars: the issuing of regulations and technical guidelines to support the state prison system health managers; procurement and donation of supplies; and development of educational health actions.

97. Various actions were developed to make available at prison units all over the country the necessary supplies to fight the pandemic: the National Penitentiary Department procurement and donation of supplies; articulation with the Ministry of Health for the donation of the respective items; and also joint purchases with other areas of the Ministry of Justice and Public Security, through the Ministry of Economy.

98. The National Penitentiary Department has carried out the emergency acquisition of hospital material, cleaning and sanitations supplies, as well as protection and safety equipment, in order to contribute to the COVID-19 control and prevention actions and measures, in the states and district systems throughout the country. R\$ 42,123,484.20 (forty-two million, one-hundred and twenty-two thousand, four hundred and eighty-four Brazilian reals and twenty cents) were invested in supply procurement for the fight against COVID-19 and for the improvement of Brazilian prison management.

99. COVID-19 comparative data are demonstrated hereinafter between general and prison population, in a survey conducted on June 29th, 2022.

<i>Data</i>	<i>Population</i>	<i>Detections</i>	<i>Recovered</i>	<i>Deaths</i>	<i>Mortality¹</i>	<i>Fully vaccinated</i>	<i>Average vaccination</i>
General Population	210 147 125	32 023 166	30 566 088	670 229	31.3%	168 604 658	79.3%
Prison System	670 714	66 447	64 904	287	2.8%	672 342	100.35%

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

Question 18

100. The operations of fight against slave labor and trafficking in persons are performed from a specific planning that consists on either action of intelligence or from complaints. Currently there is a specific channel for receiving and treating complaints of slave labor: the ipê system of slave labor (access in: DETRAE/SIT System of Reports (trabalho.gov.br)). The complaints may also be accepted by the Ministry of Labor and Welfare Regional Units or even through the Gov.br portal complaint channel.

101. After the information or complaint is assessed, the operation is planned according to the main following steps:

1. Gathering and thorough assessment of additional information.
2. Staff summoning.
3. Planning of the operation.
4. Arrangement of the needed infrastructure, including convocation of partner entities.

¹ Mortality = [deathsx100]/population.

102. The expenses to cover for this structure and to finance the fiscal actions are included in the SIT's general budget which, for the year 2021, was of: R\$ 23,288,568.9.

103. From a total of 1.959 rescued workers in 2021, it was found that:

- 90% were men;
- 28% with ages between 30 and 39 years old;
- 21% studied until the 5th year incompletely;
- 19% studied from 6th to 9th year incompletely;
- 6% were illiterate;
- 80% were Black/Brown;
- 17% White;
- 3% Indigenous.

104. In 2021, 73 migrant workers were rescued from the following countries:

- 35 Paraguay;
- 24 Venezuela;
- 10 Bolivia;
- 2 Philippines;
- 1 Haiti;
- 1 Iran.

105. SIT has an online tool called RADAR (<https://sit.trabalho.gov.br/radar/>) which makes available for everyone the data on operations to fight the slave labor. In 2021, the numbers were as follows:

- 1,959 rescued workers
 - 1.552 in rural environments
 - 407 in urban environments
- 501 establishments were inspected
- R\$ 10,575,503.30 in layoff compensation for the workers
- 4,453 Infraction Notices issued
- 1,575 workers had their contracts formalized
- 1,687 unemployment insurance applications issued

106. The Unemployment insurance is a welfare benefit established by Law N. 7,998, from January 11th, 1990. This benefit aims at providing temporary financial assistance to the unemployed worker due to unfair dismissal, including indirect dismissal, and to the worker demonstrably rescued from a forced labor situation or in a condition analogous to slavery. The worker who is found to be submitted to a forced labor situation or reduced to condition analogous to slavery, as a result from Ministry of Labor and Welfare inspection operation, will be entitled to receive three payments of unemployment insurance in the amount of a minimum wage each.

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

Question 19

107. Regarding the information requested in this question, we have forwarded a list of actions in Annex I.

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

Question 20

108. Report from the State of Rio de Janeiro Public Defender's Office with data regarding the custody hearings performed by that entity points to a structural challenge in the justice system: 35.9% of the defendants report on having suffered aggressions at the time of the prison; from these, 79.7% are black.

109. It is worth emphasizing, equally, the difference in the proportion of time of imprisonment among each race. In a survey from the State of Rio de Janeiro Public Defender's Office, 76.6% of people undergoing custody hearings are self-declared black. While the freedom rate for white people after custody hearings was of 48.9%; among black people this rate was 42.1%.

110. Additional measures from the Brazilian Judiciary are necessary for the direct fight against racism. Recently, a change in the jurisprudence was seen regarding the validity of facial recognition as evidence in criminal proceedings. After years in which the common understanding was of wide acceptance of this type of evidence, the Superior Courts of the country decided for its non-validity. Data survey from the State of Rio de Janeiro Public Defender's Office and CONDEGE (National Council of Public Defenders) demonstrated that most of the accused responding criminally due to photo recognition not confirmed in court were black. Besides the Superior Courts interpretation change, a work group was established within the National Council of Justice towards developing guidelines for person recognition.

111. Moreover, it should be noted that the National Council of Justice has issued, in 2019, Resolution N. 287, with guidelines to the Judiciary members in cases involving indigenous people in conflict with the law, favoring non-custodial measures, and determining the respect to the imprisoned indigenous persons cultural traditions.

112. Furthermore, actions to improve statistical data are taking place, which may contribute to the development of a new research on the situation of black people in the justice system. On November 2020 the National Council of Justice included new categories in the Unified Procedural Tables (TPU) in order to enable distinction of the crime of slander based on account of race, color, ethnicity, gender identity, sexual orientation, condition of elderly person, condition of person with disability and origin. In March 2021, new categories were included aiming at identifying racism crime practices and offenses.

113. Another important development carried out by the CNJ concerns the registry of persons, integrating judicial database and databases outside the Judiciary, aiming at identifying, among other information, race/color of the parties. This is an action of the "Program Justice 4.0", operated within the Judiciary Power Digital Platform (PDPJ).

Question 21

114. Regarding this issue, it is important to highlight that, in Brazil, the Constitution has designated the Electoral Justice (part of the Judiciary Branch) as a public institution which performs the role of electoral authority objectively and independently, according to international and constitutional guidelines.

Right to privacy (art. 17)

Question 22

115. As an example, we report two cases affecting indigenous population in the last few years:

116. 1st CASE – Indigenous people of "médio Xingu" (middle of the Xingu region) – it is a judicial case initiated in 2006 against the Federal Government due to the impact caused by the construction of Belo Monte Hydro Dam, without prior consultation to the indigenous peoples and river communities which inhabited the region. The Federal Public Prosecution Office (MPF) of the State of Pará claimed that the Legislative Decree 788/2005, which

authorized the Executive Power to establish the hydroelectric plant, was approved in record time by the federal government without prior consultation of the indigenous peoples that could be affected. In a ruling on September 1st this year, Justice Alexandre de Moraes, from the Federal Supreme Court, acknowledged that the right of the indigenous people from “médio Xingu” to be consulted on the construction of Belo Monte Dam was violated.

117. 2nd CASE – Indigenous people living in the Xingu region – It concerns the Volta Grande mining project, from the Canadian mining industry Belo Sun Mining Ltd., which has the goal of becoming the largest open-cast gold mining in the country. The project envisage the use of cyanide while handling mining ore – a high toxic substance to the soil and water. Among the impacts, we may highlight changes in the fauna reproductive cycle, changes in the traditional regimes of land use and occupation, contamination or intoxication by harmful substances, deforestation and/or burning, lack/irregularity in traditional territory demarcation, water resources pollution, soil pollution. However, in the Federal Court, the 2017 ruling from the Federal Regional Court of the 1st Regions (TRF1), in Brasília, still stands, suspending the effectiveness of the mining installation permit until all required steps are met for the correct assessment of the impacts in the affected communities.

Question 23

118. Law N. 13,709, from August 14th, 2018, regulates personal data protection, including medical, genetic and biometric data (sensible personal data), and basic personal data management. The legal text precepts follows international standards concerning human rights for the collection, treatment, usage and potential storage of personal data, also in line with the Universal Declaration on the Human Genome and Human Rights, from 1997.

119. Based on the law, the personal and sensitive data protection principles are the respect to privacy; informative self-determination; freedom of expression, information, communication and opinion; inviolability of intimacy, honor and image; human rights, free development of the personality, dignity and the natural persons citizen exercise.

120. Still according to the Article 18 of the Law, the owner of personal data has the right of obtaining from the handler, in relation to the owner’s data handled by it, at any moment and upon request:

- I – Confirmation of handling existence;
- II – Access to data;
- III – Correction of incomplete, inexact or outdated data;
- IV – Anonymization, blocking or deletion of unnecessary or excessive data or data processed in noncompliance with the provisions of this Law;
- V – portability of the data to another service provider or product provider, by the means of an express request, pursuant with the regulations of the national authority, and subject to commercial and industrial secrets;
- VI – deletion of personal data processed with the consent of the data subject, except in the situations provided in Article 16 of this Law;
- VII – Public and private entities information with which the handler made shared usage of the data;
- VIII – Information about the possibility of not consenting and the consequences of the denial;
- IX – Revocation of consent.

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

Question 24

121. The 1988 Federative Republic of Brazil Constitution stipulates in its Article 5 item VIII that no one shall be deprived of rights for reasons of political or philosophical belief. In

this regard, it is noteworthy that, in constitutional matters, the Brazilian State allows for the young person, when enlisting in the military service, to invoke his Conscientious objection and not be deprived of its constitutional rights, provided that the law precepts are met.

122. In practice, the alternative service was never actually implemented and, by STF decision, those who, after being enlisted, refused the compulsory military service and opted for the alternative service are automatically discharged for philosophical, religious or political reasons.

123. A case of discrimination and harassment of religious minorities by a high-level public administration authority entails, in theory, an ethical deviant conduct. Nonetheless, some of the authorities listed in Article 2 of the Code of Conduct of the High Federal Administration may also respond to disciplinary proceedings.

124. Therefore, in an abstract exam, the mentioned fact may also constitute a disciplinary offense, with the possibility of classification as a misdemeanor, depending on the concrete case, of noncompliance with the administrative morality duty, lack of urbanity, demonstration of appreciation and non-appreciation, administrative misconduct, etc.

Freedom of expression (arts. 19 and 20)

Question 25

125. About the current status of Bill 2630/2020 – the Fake News Bill – substitutive proposal was approved in 12.08.2021, in the Work Group about the subject. However, the urgency requirement, which would take the text for appreciation in Plenary session, was rejected in 04.06.2022. Therefore, either a new urgency requirement for is approved, or it will be examined by a Special Commission, yet to be instituted. As for the scope of Bill 2630/2020, the Annex I bring highlights of the text approved in the Work Group.

Freedom of association and assembly (arts. 21 and 22)

Question 26

126. Seeking torture eradication and police lethality reduction, PNDH-3 confirmed the need for creating independent police ombudsman. The subject is addressed in the guideline for democratization and modernization of the public security system in the following terms: “propose the creation of mandatory independent police ombudsman in the states and the Federal District, with an Ombudsman protected by a fixed-term mandate and chosen with the participation from the civil society”. It is also mentioned in the guideline for fight against institutional violence, with emphasis on the eradication of torture and the reduction of police and prison lethality in the following terms: “the voluntary transfer of federal resources to the states and Federal District is conditional on the existence of police and prison system ombudsman or on the issue of plan with that goal, as long as it met the requisites of coordination with an independent Ombudsman protected by a fixed-term mandate and chosen with the participation of the civil society.

Human rights defenders (arts. 6, 17, 19, 20, 21, 22 and 26)

Question 27

127. The Human Rights Defenders, Communicators and Environmentalists Protection Program (PPDDH), from the Ministry of Women, Family and Human Rights (MMFDH), was established throughout the national territory, based on the National Human Rights Defenders Policy (PNPDDH), which sets principles and guidelines for protection and assistance to the private or legal person, group, institution, organization or social movement promoting and defending human rights and, that, due to their activities in such circumstances, find themselves in a situation of risk or vulnerability.

128. The PPDDH aims at articulating protective measures for human rights defenders, environmentalists and communicators who have their rights violated or threatened and, due

to their acknowledged operation and activities in these circumstances, find themselves in a vulnerable situation, in order to protect their personal integrity, as well as securing the preservation of their work.

129. The Program is currently active throughout the national territory. The Program is implemented through Financial Agreements signed voluntarily between the Federal government and the states who have their own programs. In the states in which their own Protection Programs were not put into place, the Federal Government acts directly through the Federal Defender Program. Currently the following State Programs are in force: Rio de Janeiro, Maranhão, Paraíba, Pará, Mato Grosso, Minas Gerais, Bahia, Pernambuco, Ceará and Rio Grande do Sul.

130. Regarding the “number of protected people in each state”, we have included table in Annex I with the information on the number of protected people by Program (Federal or State), referring to the month of March 2022.

131. In response to the question on the budget allocated to the Program, we present a table, attached, with the historical series to the operations within the years 2014 and 2021. It is worth highlighting that the amounts reported in the instrument below do not consider the financial counterpart deposited by the States in case of the States Programs, limiting itself to the Federal Government budget.

132. Though the question does not make clear the baseline for comparison used as reference for the statement “budget for the programme decreased in 2015, 2016 and 2017”, we clarify that the program’s budgetary composition is dependent on the implementation of each State Program and the financial counterparts from the existing Programs. This situation may affect the federal budget for the program each year. However, we note that the program’s budget has stabilized in the last years, according to the mentioned table.

Participation in public affairs (arts. 25–26)

Question 28

133. Regarding updated information on Marielle Franco and Anderson Gomes’ case, the Specialized Unit of Fight Against Organized Crime (GAECO) from Rio de Janeiro Public Prosecution Office pointed out that they issued charges against Ronnie Lessa and Élcio de Queiroz, based on the police investigation No. 901-00385/2018, on account of the brutal killing, as well as the attempted murder perpetrated against the surviving victim Fernanda Gonçalves. The mentioned legal action has already concluded its discovery phase, with both defendants having been accused, and is about to be judged by Popular Jury.

134. Likewise, the investigations continue in a dismembered police investigation, with judicial secrecy declared, to determine the intellectual authorship, as well as the involvement of criminal organization and other parties.

135. Moreover, we should inform that until the year 2020 there was no codification of crime related to violence acts perpetrated against politicians and candidates, reason by which such conducts were investigated with recourse to other legislation, such as in the case resulting from the murder of councilwoman Marielle Franco, or the murder attempt on the then presidential candidate Jair Messias Bolsonaro, as well as other politicians.

136. In 2021, with the enactment of Law N. 14,192/2021, Article 326-B was included in the Electoral Code, which classifies as electoral crime the conduct of gender political violence. The crime consists in harassing, embarrassing, humiliating, persecuting or threatening, by any means, women candidate of elective position or holder of elective mandate, drawing on disregard or discrimination to her condition as a woman or to her color, race or ethnicity, for the purpose of preventing or hindering their electoral campaigns or performance in their elective mandate.

Rights of minorities (arts. 1 and 27)

Question 29

137. The National Indigenous Foundation (Funai) reports, in its official website, that the “process of demarcation, regulated by Decree N. 1775/96, is the administrative tool for identifying and signaling the borders of indigenous people traditionally occupied territories”. Demarcation is in the Executive Power exclusive jurisdiction, according to the Federal Constitution, because it is a merely administrative procedure; the right of the indigenous peoples to the land is an original right because they lived on these lands before formation of the National State. It is worth noting, however, that the demarcation process is comprised of several stages and involves a certain degree of complexity, which may lead to fluctuations on the number of legalizations from year to year.

138. The proposal states that the indigenous communities may, directly and respecting the applicable legislation, carry out agricultural and forest activities in their territories, having autonomy to manage and sell their goods. Such proposition was approved in the Commission of Constitution and Justice of the Chamber of Deputies and is awaiting voting in the plenum. The proposal leaves no room for the territories’ commercial exploitation, because only the indigenous people could carry out such activities, and a lot of them already do so. In this sense, the PEC (constitutional amendment proposal) merely ratifies a reality already in place in the indigenous territories from the business’s activities developed by the indigenous people. More information on the proposal, its contents and proceedings may be found on: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2077621>.

Question 30

139. It is possible to note, in Annex I table, the evolution of amounts spent by the National Indigenous Foundation in the last 10 years, being the year 2021 the highest budget allocation of the foundation, followed respectively by the years 2018, 2020 and 2019, which demonstrates that there has not been budgetary cuts, but rather a budget increase, according to data gathered in the Federal Budget Panel, from September 2nd, 2022.

140. It is possible to follow FUNAI budget allocations through the Federal Budget Panel and through the Transparency Portal, in the respective links:

https://www1.siof.planejamento.gov.br/QvAJAXZfc/opensdoc.htm?document=IAS%2FExecucao_Orcamentaria.qvw&host=QVS%40pqk04&anonymous=true&sheet=SH06 and <https://www.portaltransparencia.gov.br/orcamento>.

141. Furthermore, it should be noted that both FUNAI’s Statute and Internal Regulations are the same since the year 2017, which demonstrates that there were no changes in the foundations’ responsibilities in the last five years. This information is available publicly for consultation at: <https://www.gov.br/funai/pt-br/aceso-a-informacao/institucional/Institucional>.

142. Initially it should be noted that, due to the constitutional autonomy of the federal powers, it is the Legislative Power’s role to propose Bill of Laws, to be assessed by the Parliament. In that context the Legislative Decree Bill PDL N. 177/2021 was presented; however, it bears mentioning that the initiative undergoes examination by several Legislative internal commissions, before being taken for appreciation in the National Congress plenary.

143. The fact that such proposition was not submitted does not mean that the initiative will be approved by the Parliament. Notwithstanding, and even if approved, the Congress solely authorizes the Executive power to decide on whether to pursue the withdrawal from the treaty. The decision on the subject falls over the Executive Power. In turn, the project still has not concluded its procedural protocol in the National Congress, which may pass, be rejected or archived in the mentioned House.

144. Moreover, regarding the consultation of traditional communities, as provided by ILO 169 Convention, it is carried out when the indigenous and traditional people and communities are directly affected by a legislative or administrative action.

145. Within the Executive power, when asked by the Legislative power, it reiterates the importance of conducting a consultation, including in the terms laid out by the 169 ILO Convention, when applicable.

146. Regarding the Brazilian State action for the indigenous peoples during the COVID-19 pandemic period, it should be highlighted that, since February 2020, even before it was confirmed that the new coronavirus has started to spread in Brazil, the Special Secretariat of Indigenous Health (SESAI) was already issuing recommendations for preventing COVID-19 contamination among the indigenous peoples, and in April 2021, SESAI Crisis Committee was already planning and executing actions to fight COVID-19.

147. Between the months of March and April 2020, the Special Indigenous Health Districts (DSEI), SESAI operational units, have initiated the development of District contention plans, according to each DSEI particularity, based on the National Contingency Plan drafted in March 2020 by SESAI.

148. Even with the effort to prevent the COVID-19 spread among indigenous populations, the virus has also reached the village communities. In this way, the SESAI and DSEIs came to work not merely with COVID-19 prevention, but also in its combat. Thus, in July 2020, SESAI was already publishing, in a press release, a report of actions adopted by the agency, among them:

- Training of indigenous people and healthcare professionals for the pandemic combat situation.
- Publication, in the Ministry of Health website, of a series of educational videos directed toward the indigenous population, indigenous health agents, indigenous sanitation agents and other health workers on the fight against COVID-19.
- Online training for Indigenous Health professionals toward the disease prevention.
- The establishment of an Indigenous Primary Care Unit (UAPI) to strengthen primary health care services for the indigenous population by providing accommodation for flu-like syndrome and COVID-19 suspected cases.
- Implementation of indigenous wards in hospitals all over the country, besides hospital beds for indigenous people in the states of Amazonas (Manaus, Atalaia do Norte, Benjamin Constant), Amapá (Macapá), Pará (Belém, Marabá, Santarém) and Roraima (Boa Vista).
- Onset of joint missions with the Ministry of Defense for the delivery of equipment, inputs and personnel support to service the indigenous population, among others.

149. The goal of this plan was to help traditional people with measures encompassing the fields of health, food security and financial security, with actions such as: payment of emergency aid to indigenous and quilombola population, financial funding to states and municipalities to pay for school meals reaching nearly 274 thousand indigenous people. Moreover, approximately 200 thousand indigenous families were benefited by the distribution of food baskets.

150. Besides the preventive measures specified above, and according to the National COVID-19 Vaccination Coordination Plan, the indigenous population serviced by the Special Secretariat of Indigenous Health were considered a priority group in the vaccination scheme. Health workers stationed in the DSEIs were also included as priority.

151. When Brazil received the first three million doses, 907,200 units were sent to the DSEI (first and second dose of the vaccine), which represents around 30% of the first immunizing doses received by Brazil. Such case demonstrates that the indigenous population serviced by the federal government was absolute priority. In this way, the COVID-19 Vaccination Campaign was initiated on January 19th, 2021.

152. With the intent of guiding the management of prison units and provide support to meet the specific needs of indigenous people, a technical note called “Treatment of imprisoned indigenous persons” was drafted, aiming at providing guidelines to the states regarding the custody of indigenous people in the prison system who, due to their specific characteristic, are more susceptible to suffer from rights’ violations. The document is in compliance with the national and international regulation on the subject, including guidelines on how to proceed at the possibility of COVID-19 contamination in prison units and are available in the National Penitentiary Department website.
