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**Committee on Economic, Social and Cultural Rights****Concluding observations on the third periodic report of  
Brazil\*\***

1. The Committee considered the third periodic report of Brazil<sup>1</sup> at its 38th and 40th meetings,<sup>2</sup> held on 28 and 29 September 2023. It adopted the present concluding observations at its 60th meeting, held on 13 October 2023.

**A. Introduction**

2. The Committee welcomes the submission by the State party of its third periodic report, along with the supplementary information provided in the replies to the list of issues.<sup>3</sup> It also welcomes the opportunity to resume its constructive dialogue with the State party after 10 years. The Committee expresses its appreciation for the open and constructive dialogue held with the multisectoral delegation of the State party and thanks the delegation for its oral replies and the supplementary information provided during the dialogue.

**B. Positive aspects**

3. The Committee welcomes the legislative, administrative and policy measures adopted by the State party for the protection and progressive realization of economic, social and cultural rights, such as Constitutional Amendment No. 64/2010, which enshrined the right to food as a fundamental social right in the federal Constitution, the establishment of the Ministry of Indigenous Peoples, the Ministry of Racial Equality and the Ministry of Women, the adoption of the Brazil without Hunger (*Brasil sem Fome*) Plan and the hosting of the 2023 Amazon Summit, as well as the other measures mentioned in the present concluding observations.

4. The Committee welcomes the active role played by Brazilian civil society organizations in relation to the consideration of the State party's third periodic report.

\* Reissued for technical reasons on 29 November 2023.

\*\* Adopted by the Committee at its seventy-fourth session (25 September–13 October 2023).

<sup>1</sup> [E/C.12/BRA/3](#).

<sup>2</sup> See [E/C.12/2023/SR.38](#) and [E/C.12/2023/SR.40](#).

<sup>3</sup> [E/C.12/BRA/RQ/3](#).



## **C. Principal subjects of concern and recommendations**

### **Domestic application of the International Covenant on Economic, Social and Cultural Rights**

5. While noting the direct applicability of the International Covenant on Economic, Social and Cultural Rights in the State party's domestic legal framework, the Committee regrets that its application remains limited.

6. **The Committee recommends that the State party:**

(a) **Take the measures necessary to promote the application of all the rights enshrined in the Covenant at all levels of the justice system;**

(b) **Provide training on the scope of the Covenant, including the Committee's general comments, to judges, prosecutors, lawyers, law enforcement personnel, Members of the National Congress and other persons responsible for applying Covenant provisions;**

(c) **Carry out campaigns to raise awareness of economic, social and cultural rights among rights holders;**

(d) **Refer to the Committee's general comment No. 9 (1998) on the domestic application of the Covenant.**

### **Implementation of Covenant rights in the federal context**

7. The Committee is concerned that the State party's complex federal system, in which Covenant rights are implemented by municipalities, the states, the federal district and, ultimately, the federation, may lead to disparities in the enjoyment of economic, social and cultural rights.

8. **The Committee reminds the State party that the federation is ultimately responsible for ensuring the implementation of the Covenant within its jurisdiction. It encourages the State party to strengthen the mechanisms for coordination among the federation, the federal district, the states and the municipalities in order to ensure the full implementation of Covenant rights.**

### **Free trade agreements**

9. The Committee regrets the lack of information regarding the potential impact on Covenant rights of the proposed trade agreement between the European Union and the Southern Common Market (MERCOSUR).

10. **The Committee encourages the State party to systematically undertake impact assessments to determine the possible consequences of free trade agreements, in particular the proposed trade agreement between the European Union and the Southern Common Market, on human rights, including economic, social and cultural rights.**

### **Data collection and access to information**

11. The Committee notes the establishment of the National Human Rights Observatory. It is, however, concerned about the fact that data disaggregated by prohibited ground of discrimination are not systematically collected, which hinders a full understanding of the progressive realization of Covenant rights. The Committee is also concerned about reports of limited access to information of public interest concerning economic, social and cultural rights.

12. **The Committee recommends that the State party:**

(a) **Improve its data-collection system with a view to producing reliable data disaggregated by race, colour, ethnicity, gender, sex, age, language, religion, disability, national origin, region (urban/rural) and other relevant criteria and to identify groups that are disadvantaged in their exercise of economic, social and cultural rights;**

- (b) Take all measures necessary to allow free access to and the free dissemination of information of interest to rights holders on the organization, functioning and decision-making processes of the public administration concerning economic, social and cultural rights;
- (c) Continue consultations on the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean;
- (d) Accelerate the establishment of a national mechanism on reporting on, implementation of and follow-up to recommendations made by international human rights mechanisms, as announced by the delegation;
- (e) Refer to the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights.<sup>4</sup>

#### **Human rights defenders**

13. The Committee takes note of the establishment of a technical working group in connection with the case of Sales Pimenta. However, it is concerned about the large number of violent attacks against and killings of human rights defenders working on economic, social, cultural, environmental and land rights. It is also concerned about structural impunity for violent deaths of human rights defenders in the State party, which was identified by the Inter-American Court of Human Rights in *Sales Pimenta v. Brazil*.<sup>5</sup>

14. **The Committee recommends that the State party:**

- (a) Accelerate the adoption of the new policy for the protection of human rights defenders working on economic, social, cultural, environmental and land rights, ensuring broad, multi-stakeholder consultations throughout that process, and be guided by the Committee's statement on human rights defenders and economic, social and cultural rights;<sup>6</sup>
- (b) Ensure that the new policy for the protection of human rights defenders includes a gender and intercultural approach and that the specific needs of defenders living in rural or remote areas, notably women defenders, are considered in that context;
- (c) Guarantee the provision of the financial, human and technical resources necessary for the implementation and monitoring of the new policy for the protection of human rights defenders;
- (d) Continue to implement the recommendations and decisions made by various international and regional human rights mechanisms concerning the State's duty to investigate and punish those responsible for human rights violations and attacks against human rights defenders, in particular the recommendations made by the Human Rights Committee<sup>7</sup> in that regard and the judgment rendered by the Inter-American Court of Human Rights in *Sales Pimenta v. Brazil*.

#### **Business and human rights**

15. While noting the measures adopted, the Committee is concerned about the lack of a comprehensive regulatory framework on business and human rights in which human rights due diligence is a requirement. The Committee is also concerned about reports of the adverse impact of some large-scale investment and natural resource exploitation projects on the enjoyment of economic, social and cultural rights and on the environment.

16. **The Committee recommends that the State party:**

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<sup>4</sup> HRI/MC/2008/3.

<sup>5</sup> Inter-American Court of Human Rights, *Sales Pimenta v. Brazil*, Judgment, 30 June 2022.

<sup>6</sup> E/C.12/2016/2.

<sup>7</sup> CCPR/C/BRA/CO/3, para. 62.

- (a) Adopt a comprehensive regulatory framework to ensure that State-owned and private business enterprises operating or domiciled in the State party and entities that they control, including those in their supply chains, conduct human rights due diligence to prevent or mitigate any adverse impact on the enjoyment of economic, social and cultural rights;
- (b) Take all measures necessary to ensure the legal liability of State-owned and private business enterprises operating or domiciled in the State party and entities that they control, including those in their supply chains, in particular those in the agricultural and extractive sectors, for violations of economic, social and cultural rights resulting from their activities and ensure that effective remedies are provided to victims;
- (c) Carry out systematic and independent human rights and environmental impact assessments in the context of large-scale investment and natural resource exploitation projects and provide, in a transparent and comprehensive manner, information on their impact on the enjoyment of economic, social and cultural rights;
- (d) Continue consultations, in particular with affected communities and civil society organizations, on the adoption of a national action plan on business and human rights and, in that context, consider the Guidance on National Action Plans on Business and Human Rights of the Working Group on the issue of human rights and transnational corporations and other business enterprises;
- (e) Refer to the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities, in particular with regard to the introduction of mandatory human rights due diligence.

#### **Climate change mitigation**

17. Taking note of the climate change mitigation measures that have been adopted, the Committee is concerned that the State party is not on track to meet its nationally determined contribution under the Paris Agreement.

18. **The Committee recommends that the State party:**

- (a) Take all measures necessary to meet its nationally determined contribution under the Paris Agreement, in particular in the energy, agricultural and land-use, land-use change and forestry sectors, paying attention to the formulation of a coherent and whole-of-government policy framework;
- (b) Consider adopting a national emissions trading system;
- (c) Refer to the Committee's statement on climate change and the Covenant<sup>8</sup> and to its joint statement with the Committee on the Elimination of Discrimination against Women, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on human rights and climate change.<sup>9</sup>

#### **Rights of Indigenous Peoples, Quilombolas and other traditional communities**

19. The Committee is concerned about the lack of effective legal mechanisms in line with international standards to guarantee that Indigenous Peoples, Quilombolas and other traditional communities are consulted regarding legislative or administrative measures likely to affect them. It is also concerned about the fact that the State party continues to grant licences for large-scale investment and natural resource exploitation projects without systematically engaging in consultations aimed at obtaining the free, prior and informed consent of those communities (art. 1 (2)).

20. **The Committee recommends that the State party:**

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<sup>8</sup> E/C.12/2018/1.

<sup>9</sup> See <https://www.ohchr.org/en/statements/2019/09/five-un-human-rights-treaty-bodies-issue-joint-statement-human-rights-and>.

- (a) In consultation with Indigenous Peoples, Quilombolas and other traditional communities, and taking into account their cultural characteristics, ways and customs, develop and implement a law and effective, appropriate and legally binding protocols, including clear requirements regarding the form of the consultations and the representation of affected communities, to ensure full respect for their right to be consulted and to obtain their free, prior and informed consent in relation to decisions likely to affect them;
- (b) Take the administrative measures necessary to guarantee that prior consultations are conducted in a systematic and transparent manner in order to obtain the free, prior and informed consent of Indigenous Peoples, Quilombolas and other traditional communities in the context of decisions likely to affect them, notably before the granting of licences for large-scale investment and natural resource exploitation projects in the lands and territories that they have traditionally possessed, occupied or used, even in the context of the “security suspension” (*suspensão de segurança*) mechanism;
- (c) Systematically conduct, as part of the prior consultation process, independent studies on the potential social, environmental and human rights impact of large-scale investment and natural resource exploitation projects on the Indigenous Peoples, Quilombolas and other traditional communities concerned and publish the results of those studies;
- (d) Bear in mind and uphold the international obligations and commitments stemming from its ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international standards.

#### **Maximum available resources**

21. The Committee notes the measures adopted by the State party, including a new fiscal framework. However, it is concerned that the fiscal policy is inadequate to address the persistent socioeconomic and racial inequalities in the State party. The Committee is also concerned about the excessive proportion of total State revenue raised from indirect taxes and the fact that certain transfers do not reach the population segments that they were intended to benefit. The Committee is further concerned about the persistently low level of funding for the realization of economic, social and cultural rights and the frequency with which such funding is diverted (art. 2 (1)).

22. **The Committee recommends that the State party:**

- (a) Adopt a more efficient, progressive and socially just fiscal policy by, inter alia, revisiting the share of total State revenue derived from personal and corporate income, capital gains and transaction taxes and the current rates of inheritance and property tax with a view to expanding the tax base and fiscal space for the progressive realization of economic, social and cultural rights and increasing the redistributive effects of taxation;
- (b) Conduct a thorough assessment, with the participation of social stakeholders, of the effects of its fiscal policy on economic, social and cultural rights, including an analysis of the distributional consequences for and tax burden on different sectors and marginalized and disadvantaged groups;
- (c) Increase the budget allocated to food programmes, social security, social housing, health care, education, employment services and other areas relating to Covenant rights;
- (d) Refrain from diverting funding earmarked for the realization of economic, social and cultural rights and, if strictly necessary, ensure that decisions to divert such funding are made in a transparent manner with appropriate consultation;
- (e) Assess the impact on Covenant rights when making budgetary adjustments, take all measures necessary to avoid a negative impact on the enjoyment

**of economic, social and cultural rights and be guided by the letter of the Chair of the Committee on austerity measures.<sup>10</sup>**

**Non-discrimination**

23. The Committee is concerned about the continued absence of comprehensive anti-discrimination legislation in the State party. It is also concerned about the prevalence of socioeconomic, racial and gender inequalities and social stigma and discrimination against disadvantaged and marginalized groups (art. 2 (2)).

24. **The Committee recommends that the State party:**

- (a) **Adopt comprehensive anti-discrimination legislation that:**
  - (i) **Includes explicit references to all prohibited grounds of discrimination, including sexual orientation and gender identity;**
  - (ii) **Includes definitions of direct, indirect, intersectional and multiple discrimination;**
  - (iii) **Establishes a prohibition on discrimination in both the public and the private spheres;**
  - (iv) **Establishes effective judicial and administrative mechanisms against discrimination, including by introducing provisions on reparations in discrimination cases;**
- (b) **Take all measures necessary to prevent and combat the persistent discrimination, institutionalized racism and structural inequality faced by people of African descent by adopting a specific policy for their social and economic development as a form of historical reparation and with the aim of increasing their social mobility and ensuring their enjoyment of all human rights, in particular economic, social and cultural rights, on an equal footing with others;**
- (c) **Take all measures necessary to prevent and combat persistent discrimination against Indigenous Peoples, Quilombolas and other traditional communities and against Roma and other migrants in order to guarantee their full enjoyment of Covenant rights;**
- (d) **Refer to the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

**Equal rights of women and men**

25. The Committee is concerned about the persistent substantive inequality between women and men, which predominantly affects disadvantaged women, hindering their enjoyment of economic, social and cultural rights (art. 3).

26. **The Committee recommends that the State party:**

- (a) **Take all measures necessary to promote the full access of women, in particular Afrodescendent, Indigenous and Roma women and bisexual, lesbian, intersex and transgender women, to employment, social security, health care and services, education, land and income-generating activities on an equal footing with men;**
- (b) **Adopt comprehensive measures to eliminate deep-rooted gender and racial stereotypes with a view to changing patriarchal and discriminatory attitudes and promoting the equal sharing of family responsibilities between women and men;**
- (c) **Refer to the Committee's general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

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<sup>10</sup> E/2013/22-E/C.12/2012/3, annex VI (B).

### **Right to work**

27. The Committee takes note of the adoption of the Sustainable Work (*Trabalho Sustentável*) Programme and the Access to Work (*Acessuas Trabalho*) Programme. It is, however, concerned about the high unemployment and underemployment rates among disadvantaged and marginalized individuals and groups in rural and peripheral areas (art. 6).

28. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive employment strategy with the specific goal of boosting job creation, focusing on young people, women, persons with disabilities and migrants, notably people of African descent belonging to one or more of those groups, in the North and North-East Regions, and be guided by the Committee's general comment No. 18 (2005) on the right to work;**

(b) **Ensure the allocation of the financial, human and technical resources necessary for the implementation of the comprehensive employment strategy and effective coordination among federal, state and municipal authorities;**

(c) **Continue consultations on the adoption of a comprehensive care system in which gender, intersectionality, interculturality and human rights are taken into account and co-responsibility between women and men and social co-responsibility in the care of children and others are promoted, with a view to increasing women's participation in the labour market and achieving a more equitable distribution of tasks and responsibilities between women and men;**

(d) **Continue prioritizing high-quality technical and vocational training programmes tailored to labour market needs, with a focus on women, young people, persons with disabilities and migrants, in particular people of African descent within those groups.**

### **Informal economy**

29. The Committee is concerned about the large number of workers in the informal sector of the economy who are not covered by labour laws or the social protection system, in particular in rural and peripheral areas (arts. 6, 7 and 9).

30. **The Committee recommends that the State party:**

(a) **Take the measures necessary to facilitate the transition of workers from the informal to the formal sector of the economy, in particular in the North and North-East Regions;**

(b) **Collect data on the situation of workers in the informal sector and ensure that they are covered by labour laws, have access to social protection and may join trade unions;**

(c) **Expand the coverage of social security benefits for workers in the informal sector, in particular self-employed workers, and ensure that those benefits provide them and their families with a decent living.**

### **Right to just and favourable working conditions**

31. The Committee takes note of the measures adopted by the State party and the information provided by the delegation. It is, however, concerned that a large number of workers are exposed to poor working conditions, including excessive hours, low wages and limited employment security. It is also concerned about the lack of a comprehensive framework for occupational safety and health in relation to occupational accidents (art. 7).

32. **The Committee recommends that the State party:**

(a) **Ensure that labour legislation is effectively applied to all sectors of the economy, including the informal sector, and to all workers and take the measures necessary to improve working conditions for persons engaged in domestic work so that all workers enjoy just and favourable conditions of work;**

- (b) Set up effective mechanisms to report substandard working conditions, taking into account the vulnerable position of workers in some sectors, and ensure that they have access to effective remedies, including through liability actions against their employers;
- (c) Adopt a comprehensive system of protection from occupational hazards that provides the necessary protection to all workers, including those in the informal sector, in the event of workplace accidents and occupational diseases;
- (d) Carry out regular safety and health risk assessments for workers in the agricultural, construction, manufacturing and mining sectors and strengthen labour inspections;
- (e) Implement measures to ensure just and favourable conditions of work for all workers, including those in the informal sector, and be guided by the Committee's general comment No. 23 (2016) on the right to just and favourable conditions of work;
- (f) Ratify the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

#### **Forced labour**

- 33. Welcoming the adoption of the National Plan for the Eradication of Slave Labour by the State party, the Committee is concerned about reports of persistent exploitative practices, including internal trafficking in persons for the purpose of labour exploitation and forced and bonded labour, notably in peripheral and rural areas (art. 7).
- 34. **The Committee recommends that the State party redouble its efforts to eradicate forced and bonded labour, in particular in the agricultural and domestic work sectors, by, inter alia:**
  - (a) Strengthening the mandate and capacity of the labour inspection mechanism;
  - (b) Setting up effective complaint and reporting mechanisms;
  - (c) Increasing fines for employers;
  - (d) Increasing the number of unannounced inspections by labour inspection authorities;
  - (e) Strengthening measures to prevent and combat forced labour and other exploitative practices;
  - (f) Ensuring appropriate remedies for the victims, including through liability actions against their employers.

#### **Gender pay gap**

- 35. The Committee is concerned about the persistent pay gap between women and men in the State party (arts. 3 and 7).
- 36. **The Committee recommends that the State party redouble its efforts to close the gender pay gap by addressing gender-based segregation in the labour market, reviewing its social and tax policies and addressing the factors that discourage women from continuing their careers or taking up full-time employment.**

#### **Trade union rights**

- 37. Notwithstanding the explanation provided by the delegation, the Committee is concerned that labour law reforms introduced under Act No. 13467 of 2017 could undermine the right to collective bargaining. The Committee is also concerned about reports of intimidation of, violence and discrimination against and even killings of trade union leaders and striking workers (art. 8).

- 38. **The Committee recommends that the State party:**

(a) **Take the measures necessary to ensure that all workers can exercise their trade union rights in line with article 8 of the Covenant and consider reviewing the applicable regulatory framework;**

(b) **Protect persons involved in trade union activities and strikes and prevent and punish all forms of reprisals;**

(c) **Ratify the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

#### **Right to social security**

39. The Committee acknowledges the adoption of the new Family Grant (*Bolsa Família*) Programme and the measures taken to expand social security benefits in the context of the coronavirus disease (COVID-19) pandemic. However, it is concerned that the financial sustainability of the social security system in the State party is under pressure. The Committee is also concerned about the fact that social security benefits are tightly linked to formal employment, as reflected in the low coverage under the social security system, in particular among workers in the informal sector and self-employed workers (art. 9).

40. **The Committee recommends that the State party:**

(a) **Ensure the effective administration and supervision of the social security system so as to safeguard its financial sustainability;**

(b) **Take measures to establish a social protection floor that includes universal social guarantees and redouble its efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for all persons, in particular Afrodescendent and Indigenous women in the North and North-East Regions, to ensure that they have a decent standard of living;**

(c) **Refer, in particular with regard to the informal economy, to the Committee's general comment No. 19 (2007) on the right to social security and its statement on social protection floors as an essential element of the right to social security and the Sustainable Development Goals.<sup>11</sup>**

#### **Older persons**

41. Acknowledging the adoption of the Growing Old in the Territories (*Envelhecer nos Territórios*) Programme, the Committee is concerned about the absence of a comprehensive regulatory framework for the integrated care of older persons in the State party. It is also concerned about the low provision of residential care services in remote and rural areas and that home-care services are limited to health-care provision (arts. 2 (2) and 10).

42. **The Committee recommends that the State party:**

(a) **Adopt a comprehensive regulatory framework for the integrated care of older persons that incorporates the principle of acting in accordance with the consent of older persons in order to ensure their enjoyment of economic, social and cultural rights;**

(b) **Redouble its efforts, including in the framework of the Growing Old in the Territories Programme, to guarantee the rights of older persons to:**

(i) **Affordable and quality care, including residential care, by increasing the overall supply of affordable residential care with adequate and qualified personnel, in particular in remote and rural areas;**

(ii) **Independence and autonomy, through the adoption of special measures that go beyond the provision of health-care services, with the aim of supporting low-income families who wish to keep older persons at home and older persons living alone who wish to remain at home.**

<sup>11</sup> E/C.12/2015/1.

### **Child labour**

43. The Committee expresses concern about the prevalence of the worst forms of child labour and the involvement of children in hazardous economic activities (art. 10).

44. **The Committee recommends that the State party intensify its efforts to combat child labour, notably in the agricultural and domestic work sectors in the North and North-East Regions, through the effective enforcement of labour legislation prohibiting child labour, strengthened labour inspections and adequate penalties for the perpetrators and remedies for the victims.**

### **Poverty**

45. The Committee acknowledges the ongoing efforts to adopt a poverty reduction programme. It is, however, concerned about the high rates of poverty and extreme poverty among disadvantaged and marginalized individuals and groups (art. 11).

46. **The Committee recommends that the State party:**

(a) **Adopt a multidimensional national action plan to eradicate poverty and to address both the root causes of poverty and the additional impact of the COVID-19 pandemic, ensuring the inclusion of clear and measurable targets, the allocation of adequate resources for its implementation and effective mechanisms for coordination among federal, state and municipal actors;**

(b) **Take effective measures to guarantee targeted support for groups disproportionately affected by poverty, in particular people of African descent, members of Indigenous Peoples, Quilombolas and, notably, women, in the North and North-East Regions.**

### **Right to adequate housing**

47. The Committee notes the adoption of the “My House, My Life” (*Minha Casa, Minha Vida*) Programme and the ongoing efforts to elaborate a new policy for the social reintegration of homeless persons. However, it is concerned about:

(a) The severe lack of social and affordable housing in the State party;

(b) The unhealthy and inadequate housing conditions experienced by individuals and groups who live in informal settlements without access to public services;

(c) The large number of homeless persons estimated to live in the State party and the lack of data on their situation;

(d) The absence of comprehensive measures to protect tenants living in poverty and to prevent forced evictions (art. 11).

48. **The Committee recommends that the State party:**

(a) **Redouble its efforts to address the lack of social housing, in particular for persons and households with low incomes, people of African descent and members of Indigenous Peoples, notably women heads of household, including by upgrading existing housing and ensuring security of tenure, in particular in the North and North-East Regions, and be guided by the Committee’s general comment No. 4 (1991) on the right to adequate housing;**

(b) **Provide durable housing solutions for people living in informal settlements and, pending the introduction of such solutions, improve their living conditions and access to water and sanitation facilities, health care, education, public transport, electricity and other services;**

(c) **Accelerate progress on the national census of homeless persons and adopt a comprehensive policy to prevent and reduce homelessness that includes measures to combat discrimination against and the stigmatization of homeless persons and ensure their access to the labour market, education, health care and services, housing and social security;**

(d) **Ensure that evictions, when unavoidable, are carried out in accordance with due process of law, are preceded by consultation with the persons concerned and consideration of alternatives, are subject to appeal and result in adequate compensation or the provision of adequate alternative housing, and be guided by the Committee's general comment No. 7 (1997) on forced evictions.**

#### **Right to food**

49. Welcoming the adoption of the Brazil without Hunger Plan, the Committee is concerned about the increase in levels of chronic malnutrition in the State party in recent years. It is also concerned that a large number of people in peripheral and rural areas face moderate or severe food insecurity, which is particularly acute in female-headed households (art. 11 (2)).

50. **The Committee recommends that the State party:**

(a) **Redouble its efforts to protect the right to adequate food and step up initiatives to effectively respond to food insecurity, malnutrition and undernutrition, in particular in the North and North-East Regions, with particular attention paid to households headed by women of African descent;**

(b) **Increase investment in local agricultural production, including in the framework of the Food Acquisition Programme, and enhance the productivity and market access of small-scale farmers in order to increase incomes in rural areas;**

(c) **Refer to the Committee's general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.**

#### **Right to water and sanitation**

51. The Committee is concerned that access to safe drinking water and sanitation is much lower in peripheral and rural areas. It is also concerned about reports of water pollution owing to agricultural expansion and mining activities that pollute surface and groundwater, affecting the livelihoods of communities downstream (art. 11).

52. **The Committee recommends that the State party:**

(a) **Redouble its efforts to guarantee access to safe drinking water and sanitation services for all without discrimination, in particular those living in the North and North-East Regions, ensuring effective coordination among the federal, state and municipal levels of government and allocating sufficient resources for the adequate provision of those services;**

(b) **Ensure that safe drinking water and sanitation services are affordable and be guided by the Committee's general comment No. 15 (2002) on the right to water;**

(c) **Take measures to protect its water resources, including by:**

(i) **Addressing the negative impact of economic activities and natural resource exploitation and the effects of climate change;**

(ii) **Adopting a legislative framework to ensure legal liability for State-owned and private business enterprises that, through their activities, pollute water resources.**

#### **Environment and climate change**

53. The Committee takes note of the adoption of the Ecological Transformation Plan by the State party. It is, however, concerned about the increased environmental damage, in particular the unprecedented rates of deforestation, caused by agricultural expansion and natural resource exploitation in the Cerrado and Amazon biomes, affecting the livelihoods of local and traditional communities and increasing their vulnerability to climate change (art. 11).

54. The Committee recommends that the State party take all measures necessary to stop deforestation, protect the environment, address environmental degradation and adapt to climate change, including by updating its national adaptation plan and taking into account the effects of the plan on local communities, Indigenous Peoples, Quilombolas and other traditional communities. The Committee also recommends that the State party develop food systems that protect the rights of small-scale farmers, including rural and migrant farmworkers, and the environment.

#### **Land rights**

55. The Committee is concerned about reports that land-grabbing, natural resource hoarding, a large number of unresolved land disputes and the high concentration of land ownership in the State party undermine the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups and have triggered serious social conflict and violence (art. 11).

56. The Committee recommends that the State party:

(a) Establish an effective mechanism to protect the rights of Indigenous Peoples and Quilombolas to own, use, develop and control their lands, territories and resources in full security and to prevent intrusion into their lands and territories, ensuring the adequate allocation of financial, technical and human resources for its implementation;

(b) Expedite the demarcation, regularization and titling of the lands and territories of Indigenous Peoples, Quilombolas and other traditional communities in accordance with international standards and uphold their rights by rejecting the application and institutionalization of the “temporal framework” doctrine;

(c) Ensure that Indigenous Peoples, Quilombolas and other traditional communities affected by economic activities and the exploitation of natural resources in their territories are consulted, receive compensation for any damage or loss and draw tangible benefits from such activities;

(d) Take the measures necessary to ensure respect for and protect fair access to land and natural resources and safeguard land-use rights, in particular for landless peasants and rural workers, by expediting the agrarian reform, and be guided by the Committee’s general comment No. 26 (2022) on land and economic, social and cultural rights.

#### **Right to health**

57. Taking note of the measures recently adopted to expand access to health care and services, the Committee is concerned about the inadequacy of funding for health policies in the State party and the frequent diversion of such funding. It is also concerned that challenges in accessing health care and services, in particular mental health care and services, remain in rural and peripheral areas. The Committee is further concerned about the high incidence and increase in the number of deaths related to non-communicable diseases (art. 12).

58. The Committee recommends that the State party:

(a) Redouble its efforts to allocate adequate financial, human and technical resources to the health-care sector with a view to guaranteeing universal access and improving the accessibility, availability and quality of health care and services, notably in the North and North-East Regions, and be guided by the Committee’s general comment No. 14 (2000) on the right to the highest attainable standard of health;

(b) Increase the availability, accessibility, acceptability and quality of professional mental health care and services, including in remote and rural areas, and strengthen efforts to address the root causes of mental health problems in the population groups most affected, in particular the arbitrary and disproportionate institutional violence against people of African descent;

(c) Take effective measures to reduce the risk factors associated with non-communicable diseases and improve the early detection of such diseases in order

**to provide effective and timely treatment and prevent complications, including measures to promote healthy lifestyles and raise awareness about the health risks associated with tobacco use and alcohol abuse.**

#### **COVID-19 pandemic**

59. The Committee is concerned about the large number of deaths resulting from COVID-19 infections in the State party compared with other countries in the region (art. 12).

60. **The Committee recommends that the State party:**

(a) **Take measures to examine its response to the COVID-19 pandemic and the impact of the pandemic, in particular on people of African descent and members of Indigenous Peoples, who had limited access to vaccines and preventive treatment;**

(b) **Adopt all measures necessary to strengthen the capacity of the national health system to respond to new epidemics, surges in the number of COVID-19 infections and health emergencies and overcome disparities in the enjoyment of the right to health, including with regard to access to professionals, health services, including mental health services, infrastructure and prevention policies.**

#### **Right to sexual and reproductive health**

61. The Committee is concerned about the obstacles faced by women in obtaining access to safe abortion, even in cases in which it is legally permitted, in particular by women facing intersecting forms of discrimination. It is also concerned about the high rates of maternal mortality and the lack of access to appropriate sexual and reproductive health services and information in rural and peripheral areas (art. 12).

62. **The Committee recommends that the State party:**

(a) **Review its criminal legislation prohibiting abortion to make it compatible with women's integrity, autonomy and health, in particular by decriminalizing abortion and expanding the circumstances in which abortion is legally permitted, and be guided by the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health and the 2022 abortion care guideline of the World Health Organization;**

(b) **Ensure the accessibility and availability of appropriate, good-quality sexual and reproductive health-care services and information, for example access to safe abortion services, including abortion medication, contraception and emergency contraception, for all women and adolescent girls in the State party, in particular those living in rural or remote areas;**

(c) **Take the legislative and administrative measures necessary to prevent maternal mortality and morbidity, taking into account the technical guidance provided by the Office of the United Nations High Commissioner for Human Rights on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality.<sup>12</sup>**

#### **Drug policy**

63. The Committee is concerned that the lack of clarity of article 28 (2) of Act No. 11343/2006, which establishes the national drug policy framework, may lead to the criminalization of persons who use drugs, negative health impacts and prison overcrowding, which would disproportionately affect Afrodescendent communities, in particular women and young people belonging to those communities. The Committee is also concerned about the limited availability of harm reduction programmes in the State party and human rights violations in therapeutic communities (art. 12).

64. **The Committee recommends that the State party:**

<sup>12</sup> [A/HRC/21/22](#), [A/HRC/21/22/Corr.1](#) and [A/HRC/21/22/Corr.2](#).

- (a) **Review its legal framework to ensure a human rights-based approach to drug use by, inter alia, establishing clearer rules on personal drug consumption;**
- (b) **Intensify its efforts to prevent drug use, enhance the quality and accessibility of harm reduction programmes and provide appropriate health care and services, psychological support and rehabilitation for persons who use drugs;**
- (c) **Revise the policy and regulatory framework governing therapeutic communities to ensure strict compliance with human rights, in particular the right to health, and establish oversight and accountability mechanisms, including regular inspections.**

#### **Highly hazardous pesticides**

65. Noting the communication addressed to the State party by various special procedure mandate holders on 15 June 2022,<sup>13</sup> the Committee is concerned about the reported increase in the use of highly hazardous pesticides in the State party, despite the serious adverse effects that they have on human health and the environment (art. 12).

**66. The Committee recommends that the State party:**

- (a) **Strengthen its regulatory framework on pesticides by, inter alia, applying the precautionary principle in relation to the use of harmful pesticides and herbicides in order to avoid the negative health impact and environmental degradation that can result from their use;**
- (b) **Take measures to ensure that the use of pesticides, in particular over large areas, does not negatively affect water quality and the affordability of safe drinking water;**
- (c) **Enforce the prohibition of certain pesticides, in particular those prohibited in other regions of the world, including glyphosate-based pesticides, which the International Agency for Research on Cancer of the World Health Organization has identified as a probable carcinogen, notably when used on a large scale.**

#### **Right to education**

67. While noting the measures taken by the State party, the Committee is concerned about:

- (a) The insufficient budget allocated to education;
- (b) The persistent inequalities in access to education affecting children living in rural and peripheral areas and, in particular, children with disabilities;
- (c) The shortage of qualified teachers and the inadequate conditions in which teachers work;
- (d) Shortcomings in the quality of school infrastructure and teaching materials in rural and peripheral areas, including the lack of sanitation facilities;
- (e) High illiteracy rates, in particular in the North and North-East Regions and among members of Indigenous Peoples and people of African descent;
- (f) The high dropout rates among people of African descent, in particular in secondary education (arts. 13 and 14).

**68. The Committee recommends that the State party:**

- (a) **Redouble its efforts to allocate financial, human and technical resources to the education sector in order to ensure universal and equal access to quality early, primary and secondary education and be guided by the Committee's general comment No. 13 (1999) on the right to education;**

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<sup>13</sup> See communication AL BRA 8/2022, available from <https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27311>.

- (b) Redouble its efforts to improve access to school for children in the North and North-East Regions and, in particular, children with disabilities;
- (c) Improve the quality of teaching by, *inter alia*, continuing to invest in in-service teacher training and improving working conditions for teachers;
- (d) Improve school infrastructure and learning materials, in particular in rural and peripheral areas, and ensure that all schools have adequate water supply and sanitation facilities;
- (e) Strengthen its policies and programmes on literacy and non-formal education, including in the framework of Decree No. 11556/2023, which establishes a national commitment on children's literacy;
- (f) Adopt appropriate measures to reduce school dropout and repetition rates at all levels of education, in particular secondary education, and among students belonging to marginalized and disadvantaged groups;
- (g) Continue its efforts to ensure the incorporation of human rights education into school curricula, including in the framework of the Programme for the Promotion and Defence of Human Rights, with a view to strengthening respect for economic, social and cultural rights.

#### **Cultural rights**

69. The Committee is concerned about insufficient funding and the weakened institutional framework for cultural rights, which affects the right to participate in cultural life and the protection of cultural heritage. It is also concerned that the lack of protection and demarcation of the ancestral lands and territories of Indigenous Peoples and Quilombolas undermines the exercise of their cultural rights. The Committee is further concerned about shortcomings in the protection and promotion of the cultural rights and heritage of people of African Descent and Roma (art. 15).

70. **The Committee recommends that the State party:**

- (a) Take the steps necessary to strengthen the protection of cultural rights and respect for cultural diversity by, *inter alia*, increasing the budget allocated to promote the development and dissemination of science and culture;
- (b) Take all measures necessary to enable Indigenous Peoples, Quilombolas and other traditional communities to preserve, develop, express and share their identity, history, culture, languages, traditions and customs and to maintain their spiritual relationship with their lands, territories and resources;
- (c) Encourage the promotion, preservation, expression and dissemination of the cultural identity and historical legacy of people of African descent and Roma.

#### **Right to participate in and to enjoy the benefits of scientific progress**

71. The Committee is concerned about reports indicating the State party's failure to take measures to prevent misinformation and promote the dissemination of accurate scientific information, including in the context of the COVID-19 pandemic and in any future public health emergency (art. 15).

72. **The Committee recommends that the State party:**

- (a) Promote accurate scientific information and refrain from disinformation, disparagement and deliberately misinforming the public in an effort to erode citizen understanding and respect for science and scientific research;
- (b) Ensure that the policies and programmes adopted are informed by the best scientific knowledge available;
- (c) Adopt mechanisms to protect people from the harmful consequences of false, misleading and pseudoscience-based practices, in particular when other economic, social and cultural rights are at risk, and be guided by the Committee's general comment No. 25 (2020) on science and economic, social and cultural rights.

## D. Other recommendations

73. The Committee encourages the State party to continue consultations, as announced by the delegation, with a view to ratifying the Optional Protocol to the Covenant.

74. The Committee recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

75. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.<sup>14</sup>

76. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the federal, state and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that the parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to continue engaging with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

77. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations (by 31 October 2025), information on the implementation of the recommendations contained in paragraphs 14 (a) (human rights defenders), 16 (a) (business and human rights) and 40 (a) and (b) (right to social security) above.

78. The Committee requests the State party to submit its fourth periodic report in accordance with article 16 of the Covenant by 31 October 2028, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. In addition, it invites the State party to update its common core document, as necessary, in accordance with the harmonized guidelines on reporting under the international human rights treaties.<sup>15</sup>

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<sup>14</sup> E/C.12/2019/1.

<sup>15</sup> HRI/GEN/2/Rev.6, chap. I.