



CHAPTER V

Follow-up of recomendations issued by the IACHR in its Country or Thematics reports

Brazil

**ANNUAL REPORT OF THE INTER-AMERICAN
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Brazil

CHAPTER V

FOLLOW-UP ON RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

FIRST FOLLOW-UP REPORT ON RECOMMENDATIONS ISSUED BY THE IACHR IN ITS REPORT ON THE SITUATION OF HUMAN RIGHTS IN BRAZIL¹

I. INTRODUCTION

1. Background: *In loco* visit and report on Brazil

1. The purpose of this report is to follow up on the recommendations made in the report on the situation of human rights in Brazil (hereinafter the Brazil report, report on Brazil, or IACHR report), approved by the Inter-American Commission on Human Rights (hereinafter the IACHR or the Commission), on February 12, 2021.² The report derives from the on-site visit made to Brazil on November 5th to 12th, 2018, as part of the IACHR's ongoing monitoring of the human rights situation in the Americas and pursuant to Article 106 of the Charter of the Organization of American States (OAS).

2. The objective of the on-site visit was to perform a comprehensive diagnostic assessment of the human rights situation in Brazil. Given the country's vast size and the individual characteristics of each region and their federal states, the Commission focused on specific topics and groups associated with historical discrimination and structural inequality.

3. As a result of the visit, the Commission approved and published the Brazil report, with the following chapters: historical discrimination and socio-economic discrimination as factors causing structural inequality; other groups at special risk; citizen security; impunity; democratic institutions and human rights; and freedom of expression and information. These chapters include detailed analysis of the extreme inequality and vulnerability of certain specific population groups in Brazil that result from the historical discrimination they have always suffered. The report also includes the IACHR's conclusions and recommendations.

4. In it, the Commission notes that, despite being under the rule of law and having a democratic system and human rights institutions, Brazil faces structural challenges to overcoming issues associated with historically neglected forms of discrimination, which especially affect certain groups like people of African descent, women, *quilombola* communities, indigenous peoples, campesinos and rural workers, street people, and people living in slums or outlying areas.

5. Notably, the report concludes that structural discrimination is intrinsically linked to social exclusion and land access, giving rise to the inequality/extreme poverty cycle, and exposing vulnerable individuals to violence perpetrated by criminal organizations like militias and drug trafficking groups, as well as to human trafficking and other modern forms of slavery.

6. In connection with this, the Commission finds that these challenges are adversely impacting citizen security, since while extreme inequality does drive increased violence against vulnerable people, the

¹ Commissioner Carlos Bernal Pulido approved the report and issued a partial reasoned vote. This reasoned vote is available at the Executive Secretariat of the IACHR.

² IACHR, Press release [50/21 - IACHR Publishes Report on Human Rights Situation in Brazil and Highlights Impacts of Historical Processes of Discrimination and Structural Inequality](#). Washington, D.C., March 11, 2021.

State has also designed and implemented security policies based on violent, punitive, institutional action by a militarized police force, resulting in grave violations of human rights. The Commission also analyzed the role of judicial authorities in implementing these policies.

7. The IACHR also took note that the poverty and extreme poverty faced by some population groups that have been historically discriminated against makes it more difficult for them to access justice fully and effectively, which hampers their enjoyment of their rights and puts them at a disadvantage compared to the rest of the population, as a result of more frequent exposure to crime and institutional violence. Specifically, the IACHR found that security policies in Brazil use racial profiling practices that make people of African descent and residents of marginal neighborhoods more vulnerable to arbitrary detention and abuse. This is especially evident in detention facilities like prisons, socio-educational units, and therapeutic communities, which are often overcrowded and devolve into institutional settings that tolerate torture and other cruel, inhuman, and degrading treatment.

8. In its report, the IACHR also took note of the high level of impunity in cases of institutional violence; for the most part, the justice system has not moved forward with investigations, convictions, or reparations for victims in such cases. The IACHR further indicated that this state of impunity can be likened to what occurred with crimes committed during the civil-military dictatorship, despite the differences between the two situations. Although the report did acknowledge that some progress has been made by federal and state-level truth commissions on cases of torture and forced disappearances, it stressed that most cases remain unpunished.

9. The IACHR also observed the increase in the number of threats made by the authorities against the lives of journalists and media workers, especially after the general elections were held in 2018. Similarly, people with diverse sexual orientations, gender identities and/or expressions, and sexual characteristics have also experienced an escalation of targeted threats and hate crimes.

10. At the institutional level, the IACHR performed a diagnostic assessment of several initiatives designed to guarantee and promote respect for human rights in Brazil, such as the establishment of mechanisms to prevent torture and strengthen prosecutors' offices and national human rights institutions. It also expressed satisfaction with the major public policies designed to reduce structural inequality and advance the fight against racism and historical discrimination, including income transfer and land and housing access programs, as well as policies designed to enable Afro-descendants and indigenous persons to access the university system.

11. The IACHR concluded the report with several recommendations for Brazil to consolidate a system for promoting and protecting human rights, in line with the country's commitments in the inter-American and international spheres. It also gave Brazil several warnings about actions that run the risk of undermining or even destroying this system, such as the weakening of democratic forums.

2. Human rights situation in Brazil after publication of the report

12. After publishing the report in February 2021 and throughout 2022, the Commission continued to follow up on the human rights situation in Brazil on an ongoing basis, through several different mechanisms, including monitoring, precautionary measures, press releases, hearings, etc.

13. During this period, the Commission found that the problems and challenges brought to light in the Brazil report in early 2021 both persisted and intensified, as will be shown in the analysis of compliance with the recommendations made in the report, and they further escalated and were exacerbated during the October 2022 electoral process.

14. Accordingly, the Commission expressed concern over the acts of violence motivated by the political context, as well as the comments made by political leaders and in particular high-level authorities that inflamed the already polarized political climate. It called on Brazil to prevent violence by implementing protection and security measures during the elections, and to ensure adequate investigation of these acts.³

15. In turn, the IACHR Office of the Special Rapporteur for Freedom of Expression called on election authorities, political parties, and persons holding or aspiring to hold elected office in Brazil to protect public debate and uphold human rights and meet their special responsibilities to the exercise of the right to freedom of expression. On this occasion, the Office indicated that it had learned of several stigmatizing statements and verbal attacks made by political leaders against the press and human rights defenders. It also reported that it had received information on speeches meant to cast doubt on the electoral process and on democratic institutions that paid no heed to verified, verifiable information; speeches that could exacerbate or foment discrimination and violence; and statements that, lacking unequivocal supporting evidence, challenged the enforcement of judicial decisions or had the potential to foster disregard for election results.⁴

16. In September 2022, the IACHR welcomed the special measures adopted by Brazilian State institutions to guarantee fair and free elections on the next election day, October 2. It also called on the State to make its utmost effort to prevent and combat any acts of intolerance that could result in political violence.⁵ The IACHR recognizes that, despite the enormous tension that the democratic system in Brazil faced at that time, the country's robust democratic institutions, based on a system of checks and balances and the rule of law, managed to ensure that democracy was upheld.

17. However, in the post-election period, the Commission and its Office of the Special Rapporteur for Freedom of Expression condemned the increased number of episodes of violence and intolerance associated with the elections and urged the Brazilian State to ensure the safety of all people, to diligently investigate the violence, and to foster full respect for democracy and public debate.⁶

18. In the first few days of January of this year, serious incidents took place in Brasilia: thousands of supporters of the former president of the Republic stormed and broke into the Congress, executive branch, and Supreme Court facilities, calling for military intervention. These acts were met with widespread rejection both from the international community and within Brazil itself.

19. The Commission notes that these grave acts derived from the situation it had warned about in press releases in August and December 2022, and condemned the assaults on the institutions and the violence in Brasilia as an attack on Brazilian democracy. The IACHR stressed that the right to assembly must be exercised peacefully, without weapons, and in strict adherence to the rule of law, adding that all of the parties responsible should be investigated and punished.⁷ In turn, the United Nations High Commissioner for Human Rights condemned the "attack on the heart of Brazilian democracy" and indicated that the violence "was the culmination of the sustained misrepresentation of the facts, as well as the incitement to violence and hatred by political, social, and economic actors who have been feeding an atmosphere of mistrust, division, and destruction by rejecting the result of democratic elections."⁸

³ IACHR, Press release [171/22 - IACHR asks Brazil to Prevent, Investigate, and Punish Violence in Its Upcoming Election Process](#). Washington, D.C., July 29, 2022.

⁴ IACHR, Press release [R192/22 - Authorities and candidates for public office in Brazil are called upon to protect public debate and freedom of expression](#). Washington, D.C., August 30, 2022.

⁵ IACHR, Press release [219/22 - IACHR Calls on Brazil to Hold Peaceful Elections That Respect Representative Democracy and Human Rights](#). Washington, D.C., September 29, 2022.

⁶ IACHR, Press release [266/22 - IACHR and Its Special Rapporteurship for Freedom of Expression Reject Escalation of Tension, Intolerance, and Violence after Presidential Elections in Brazil](#). Washington, D.C., December 2, 2022.

⁷ IACHR, [Tweet]. <https://twitter.com/CIDH/status/1612195722149105665?ext=HHwWgsDQ8fXd1d8sAAAA>. January 8, 2022.

⁸ UN News. [Asalto a la sede de los tres poderes en Brasil](#). January 9, 2023.

FOLLOW-UP REPORT ON RECOMMENDATIONS

20. In view of the foregoing, the IACHR decided that it would publish a report following up on the recommendations made in its report on the human rights situation in Brazil, informed the State of Brazil thereof, and requested information from the State about its compliance with those recommendations. The State submitted its response on December 9, 2022.⁹ The Commission appreciates and thanks the State for the information it provided, the most relevant of which is explained herein.

21. To prepare this report, the IACHR took into account the information it gathered when monitoring the overall human rights situation in the country and during public hearings; inputs from the precautionary measure mechanism and the requests for information made pursuant to Article 41 of the American Convention on Human Rights (hereinafter the American Convention); information produced by United Nations agencies; information available from other public sources; and the decisions and recommendations made by specialized international organizations, etc.

22. On February 7th, 2023, the Commission transmitted a copy of the draft report to the State, in accordance with Article 59(10) of its Rules of Procedure. On March 7th, 2023¹⁰, the Commission received the observations and comments from the State, in which it reports on the measures adopted to strengthen democratic and human rights institutions. It is noted that the information provided by the State does not correspond to the time frame of the 2022 Annual Report, as it refers to measures adopted as of January 2023, and therefore it is not appropriate to incorporate it, whose date of approval is the one indicated. In any case, this information is noted for inclusion of the relevant parts in the 2023 Annual Report.

23. The final report was approved by the Commission on April 1, 2023.

24. This Follow-up Report on Recommendations is divided into three sections: (i) Introduction; (ii) Follow-up on recommendations made in the IACHR report on the situation of human rights in Brazil, addressing the following topics: the institutional underpinning of human rights; economic, social, cultural, and environmental rights; citizen security; access to justice; persons of African descent; indigenous peoples and traditional *quilombola* communities; women; children and adolescents; lesbians, gays, bisexuals, trans and intersex (LGBTI) persons; persons with disabilities; persons deprived of liberty; human rights defenders; human trafficking; forced internal displacement; human mobility migration, asylum, and statelessness; and memory, truth, and justice; and (III) Conclusions.

II. FOLLOW-UP ON RECOMMENDATIONS

25. To study the degree of compliance or implementation of the recommendations, the Commission considered the measures adopted by the State and the current human rights context and analyzed the main advancements in and challenges to effective compliance. Below, the Commission sets forth its considerations on each of the recommendations made in its Brazil report.

THE INSTITUTIONAL UNDERPINNING OF HUMAN RIGHTS

1. Strengthen the State and autonomous bodies responsible for formulating, implementing, and appraising public policies with human rights focus and geared to guaranteeing the rights of the most vulnerable groups. In particular:

⁹ Federative Republic of the State of Brazil, State Report to the Inter-American Commission on Human Rights on the human rights situation in Brazil, December 9, 2022. In IACHR archives. (Hereinafter Brazil report to the IACHR, December 9, 2022).

¹⁰ Federative Republic of the State of Brazil, Observations of the State to the draft project of Chapter V of the Annual Report 2022, about the follow-up on the recommendations of the IACHR in the report 'Situation of Human Rights in Brazil', [Diplomatic Note 87/2023, March 7, 2023](#).

a. Restore the comprehensive budget appropriation for the Ministry of Women, the Family, and Human Rights, according to priority to the portfolios for promoting the rights of at-risk and/or vulnerable groups and pay special heed to bolstering the structure and budget of the Program to Protect Human Rights Defenders, thereby guaranteeing implementation of effective and efficacious protection measures.

b. Allocate a specific budget appropriation for both the Federal Public Defender's Office and state Public Defenders' Offices. Organizational and managerial autonomy is a key factor for guaranteeing institutional independence and enhancing full and free access to justice for vulnerable groups.

c. Provide all the resources and functional independence needed to operate both the National Mechanism to Prevent and Combat Torture and the corresponding state mechanism, as established in the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. Ratify the following Conventions:

a. The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

b. The Inter-American Convention against All Forms of Discrimination and Intolerance.

26. With regard to the institutional underpinning of human rights, in its response the State of Brazil indicated that the information it was providing explained the various actions it had taken to protect and promote human rights, with a special emphasis on the issues pointed out in the recommendations made in the report on the human rights situation in Brazil. The State also reiterated that Brazil has made every effort to implement, through its institutions, a series of human rights measures, programs, and policies, and will continue to make efforts to implement the inter-American decisions and parameters.¹¹

27. The State did not provide information on recommendations **(a) restore the comprehensive budget appropriation for the Ministry of Women, the Family, and Human Rights** or **(b) allocate a specific budget appropriation for both the Federal Public Defender's Office and state Public Defenders' Offices**.

28. During the on-site visit, the Commission received information on the significant shortage of public defenders, especially in northern states, which makes it more difficult for victims and their family members to access justice and partly explains the socioeconomic and racial makeup of Brazil's prison population.¹² The IACHR observed that in 2021, the State massively reduced the budgets of the Ministry of Women, the Family, and Human Rights (MMFDH);¹³ Ministry of Education; and Ministry of Labor and Social Security.¹⁴ Available sources also indicate that around R\$859 million were cut from the budget for actions to protect indigenous peoples; R\$85 mil. from the land recognition and compensation actions for the quilombola peoples; and R\$170.9 mil. from the areas of land reform, land regularization, and consolidation of rural settlements.¹⁵ Furthermore, the cuts in 2022 were estimated to be even greater, as reflected in the decreased investment in public policies.¹⁶

29. Since the State did not provide information about its compliance with this recommendation, the Commission finds that compliance is still **pending**.

¹¹ Brazil report to the IACHR, December 9, 2022, pars. 240-241, p. 70.

¹² IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II. Doc. 9, February 12, 2021, par. 385.

¹³ OHCHR, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#), A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 52; OHCHR, [Summary of stakeholders' submissions on Brazil](#), A/HRC/WG.6/41/BRA/3, 31 August 2022, par. 58.

¹⁴ Globo G1, [Orçamento: Bolsonaro corta verbas voltadas para indígenas, quilombolas e para pesquisas científicas](#), January 24, 2022.

¹⁵ Fdr, [Orçamento 2022: Bolsonaro corta verbas para pesquisas, indígenas e quilombolas; saíba mais](#), January 25, 2022.

¹⁶ CNN Brasil, [Equipe de transição aponta queda do investimento em direitos humanos pelo governo](#), November 27, 2022.

30. In order to steer compliance with this recommendation, the Commission calls on the State to adopt measures to ensure the Ministry of Women, the Family, and Human Rights and the Federal Public Defender's Office budgets are sufficient and appropriate, in order to strengthen the State and autonomous bodies responsible for formulating, implementing, and evaluating public policies focused on human rights and designed to guarantee the rights of the most vulnerable groups.

31. With regard to recommendation (c) to **provide all the resources and functional independence needed to operate both the National Mechanism to Prevent and Combat Torture and the corresponding state mechanism**, in its report the State indicated that in 2021, pursuant to the May 6 and August 13 presidential decrees, the National Committee to Prevent and Combat Torture (CNPCT) Support Coordination Office, as part of the National System to Prevent and Combat Torture (SNPCT), reshaped the roster of experts for the National Mechanism to Prevent and Combat Torture (MNPCT), instituted by Law 12,847/2013,¹⁷ with the authority to perform independent inspections at prison units and formed by 11 experts.¹⁸

32. In its report on the human rights situation in Brazil, the Commission reiterated¹⁹ its particular concern over Presidential Decree 9,831 of June 10, 2019,²⁰ which stipulated the termination of members of the MNPCT and thereby prevents the MNPCT from fulfilling its mandate to protect persons deprived of liberty. Specifically, the presidential decree reassigned the 11 expert posts from the Ministry of Women, the Family, and Human Rights to the Ministry of Economy, dismissed the Mechanism's current members, and established that participation in the Mechanism would be considered an important but unpaid public service.²¹

33. On July 30, 2019, the Office of the Attorney General of the Republic filed complaint of noncompliance with a fundamental precept (ADPF) 607²² with the Federal Supreme Court (STF), in which it asked for the Decree 9,831/2019 issued by the Office of the President of the Republic to be invalidated.²³

34. Against this backdrop, on February 11, 2022, the United Nations Subcommittee on Prevention of Torture urged Brazil to renounce its decision to dismantle its National Mechanism for the Prevention of Torture.²⁴

35. On March 25, 2022, the STF sitting en banc ruled that parts of Decree 9,831/2019 were unconstitutional and ordered that the seats be returned to the MNPCT experts, with the respective compensation. According to the court, the measures had constituted a setback that was undermining the prevention and fight against torture in Brazil;²⁵ the STF indicated that the stripping of public policies established by law through less than legal acts constitutes an abuse of regulatory power and, therefore, violates the separation of powers. In this case, the violation was especially serious due to the potential dismantling of the entity responsible for preventing and combating torture.²⁶

¹⁷ Law 12,847. *Do Sistema Nacional de Prevenção E Combate à Tortura – SNPCT*. August 2, 2013.

¹⁸ Brazil report to the IACHR, December 9, 2022, pars. 33-34, p. 15.

¹⁹ IACHR. Press release [149/19 - IACHR Concerned about Actions that Affect Brazil's National Mechanism to Prevent and Fight Torture](#). Washington, D.C., June 14, 2022.

²⁰ Office of the President of the Republic, Deputy Head of Legal Affairs, [Decree 9,381](#), June 10, 2019.

²¹ Federal Supreme Court. [El Supremo Tribunal Federal restablece la composición del Mecanismo Nacional de Prevención y Combate a la Tortura](#). March 29, 2022.

²² Federal Public Prosecutor's Office. Office of the Attorney General of the Republic. [Arguição de descumprimento de preceito fundamental](#). July 30, 2019.

²³ Federal Supreme Court. [El Supremo Tribunal Federal restablece la composición del Mecanismo Nacional de Prevención y Combate a la Tortura](#). March 29, 2022.

²⁴ UN News. [Mujeres en la Ciencia, tortura en Brasil, brote de sarampión en Afganistán... Las noticias del viernes](#). February 11, 2022.

²⁵ Federal Supreme Court. [El Supremo Tribunal Federal restablece la composición del Mecanismo Nacional de Prevención y Combate a la Tortura](#). March 29, 2022.

²⁶ Federal Supreme Court. [Arguição de descumprimento de preceito fundamental 608. Distrito Federal](#). March 28, 2022.

36. The Commission welcomes, with satisfaction, the Federal Supreme Court decision. In its resolution of Action for Violation of Fundamental Precept (ADPF) 607, filed by the Attorney General's Office (PGR), the STF determined the restitution of the assignment of positions to the experts, with respective remuneration.

37. According to data provided by the Association for the Prevention of Torture (APT), after Presidential Decree 9,381 was issued, the MNPCT faced serious challenges to carrying out its duties, including a smaller support staff and delays in processes, in addition to the restrictions established directly in the decree.²⁷ According to the IACHR, these obstacles significantly hampered the Mechanism's activities. Notably, the Mechanism is responsible for serving the country's approximately 1,413 detention centers,²⁸ in addition to its prison facilities, psychiatric hospitals, shelters for the elderly, socio-educational communities, and military disciplinary centers, etc.²⁹

38. Decree 11,254 was issued on November 9, 2022, and its article 4 established that Decree 8,154 of December 16, 2013³⁰ would enter into force with the following change: "Article 10. The MNPCT, which forms part of the Ministry of Women, the Family, and Human Rights, will be formed by 11 experts chosen by the CNPCT and appointed by act of the President of the Republic for a three-year term with the possibility of reelection for the same length of time."³¹ Likewise, Decree 11,254 revoked Article 10(5) of Decree 8,154 of 2013, which had established that participation in the MNPCT would be considered provision of an important but unpaid public service.

39. The Commission notes that Decree 11,254 repeals the articles of Decree 9,831 declared unconstitutional by the Federal Supreme Court; amends the regulation according to which the experts were chosen by the President of the Republic, thereby recognizing the Mechanism's functional independence; and reinstates the MNPCT experts' right to compensation.

40. The Commission appreciates that the STF has repaired the damage done to the MNPCT's independence and that the executive branch has complied with the Court's ruling.

41. The State reported that the CNPCT, which forms part of the SNPCT, operated effectively in the first half of 2021, with four plenary meetings, three regular meetings, and one special meeting. Follow-up on the creation of state committees and mechanisms to prevent and combat torture continued. All told, 24 state committees were confirmed to have been formed after the regional meetings held from August to November 2020. Of them, 18 are effectively operating.³² The Commission found that, according to public information, in November 2022, two of the CNPCT meetings to be held in Brasilia were canceled because representatives of the federal government failed to attend, and consequently, the quorum required for the meetings was not met³³ and they could not be held.

42. The APT reported that as of November 9, 2022, five of Brazil's mechanisms for preventing torture were operational: the National Mechanism and four local mechanisms in the states of Rio de Janeiro, Pernambuco, Paraíba, and Rondônia. The latter two were the most recent ones to be implemented, in 2018. Given that Brazil has 27 states, this is a very small number of mechanisms. Although a national policy was in

²⁷APT, Contributions from the APT for preparation of Chapter V of the Annual Report on Brazil, November 9, 2022, IACHR Archives, p. 2.

²⁸ For the number of facilities, see: World Prison Brief, Institute for Crime & Justice Policy Research, [World Prison Brief data - Brazil](#), 2022.

²⁹ Law 12,847. *Do Sistema Nacional de Prevenção E Combate à Tortura - SNPCT*. August 2, 2013.

³⁰ Chamber of Deputies. *Decree 8,154 of December 16, 2013*.

³¹ Official Gazette of the Union. *Decree 11,254 of November 9, 2022*. Published on November 11, 2022.

³² Brazil report to the IACHR, December 9, 2022, par. 35, p. 15.

³³ Globo, *Reuniões do Comitê Nacional de Prevenção e Combate à Tortura são canceladas por ausência de integrantes do governo federal*. November 10, 2022.

place to encourage the creation of local mechanisms, it has been successively dismantled over the past four years.³⁴

43. The Commission takes note that the information it requested from the State on providing all the resources needed to operate both the MNPCT and the corresponding state mechanisms, as established in the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to facilitate operation of the agencies of the SNPCT, is pending.

44. The Commission stresses that the work done by these agencies is essential to protecting the fundamental rights of persons deprived of liberty, and to the country's compliance with international obligations on the deprivation of liberty pursuant to the Inter-American Convention to Prevent and Punish Torture. Therefore, the IACHR concludes that State compliance with the recommendation is **pending**.

45. To steer implementation of this recommendation, the Commission invites the State to develop the measures necessary to guarantee implementation of local mechanisms for preventing and combating torture in the remaining states, as well as the proper operation of the National Mechanism in the terms of the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These measures should be geared towards enabling and strengthening the mechanisms to perform their duties of formulating, implementing, and evaluating public policies on human rights.

46. The Commission concludes that State compliance with its recommendation to **ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity and the Inter-American Convention against All Forms of Discrimination and Intolerance** is still **pending**.

47. To steer implementation of this recommendation, the Commission emphasizes that compliance will only be achieved with ratification of these international instruments.

ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS

3. Establish a coordinated fiscal policy that can redistribute the wealth needed to overcome equality gaps, correct market shortcomings, and make the investments needed to fulfill human rights, especially economic, social, and cultural rights.

a. Revise legislation and other legal provisions that withdraw or curtail funds for policies relating to economic, social, and cultural rights.

b. Install technical committees to evaluate fiscal projections, drawing on objective analyses by fiscal and budget experts from the best schools in the country before drafting amendments in accordance with the principles of proactive transparency, timely information, and citizen participation.

c. Establish channels for social participation in the processes of drawing up and adopting fiscal laws and policies, especially when the adoption of those instrument [sic] could entail violating the principle that there must be no backsliding when it comes to human rights.

4. Develop a mechanism for coordination among the three federative branches of government to guarantee the effective incorporation into domestic law and practice of international human rights standards, in relation to both the adoption of positive measures by the State and the abstaining from actions aimed to protect human rights.

³⁴ APT, Contributions from the APT for preparation of Chapter V of the Annual Report on Brazil, November 9, 2022, IACHR Archives, p. 2. See also: OHCHR, [Brasil deve cumprir obrigações internacionais e fortalecer seu sistema de prevenção à tortura, dizem especialistas da ONU](#), 11 February 2022.

5. Develop, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information regarding the human rights situation of persons of African descent and traditional quilombola communities, indigenous peoples, LGBTI persons, as well as other at-risk and/or vulnerable groups, in order to create and implement appropriate laws and public policies for addressing needs and overcoming the specific hurdles those groups face. In particular, ensure that disaggregated data are collected from a variety of public and private institutions, especially those working in the following sectors: health, education, access to work, justice, social protection, and so on.

6. Design, implement, and finance comprehensive housing policies aimed at both reducing the current dire shortages and improving socio-economic equality from an ethnic/racial and gender perspective. Such policies must take into account the physical characteristics of the territory, the infrastructure in place, and the availability of equipment and basic services, as well as the interests of economic agents and the organic ties that populations establish with the breeding ground where their daily lives play out.

48. With regard to the recommendation to establish a coordinated fiscal policy that can **redistribute the wealth needed to overcome equality gaps, correct market shortcomings, and make the investments needed to fulfill human rights, especially economic, social, and cultural rights**, the State did not submit new information to update the country report.

49. However, the Commission and the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA) note that during the coronavirus (COVID-19) pandemic, Brazil allocated more funds to the *Bolsa Familia* family welfare program and incorporated 1.2 million new beneficiaries; likewise, from April 2020 to October 2021, the country presented the *Auxilio Emergencial* emergency aid stabilization program to provide a coordinated response to the impacts of the economic, social, and health crises caused by the pandemic, offering social coverage to a third of the Brazilian population, especially lower-income households.³⁵ Specifically, according to International Monetary Fund estimates, the results of the *Auxilio Emergencial* program even surpassed those of the social protection system in place in the country prior to the pandemic.³⁶

50. Despite the economic aid provided and the subsequent extensions of the allocations,³⁷ the IACHR and the REDESCA note that while this assistance program partially met the needs of persons living in poverty and extreme poverty in Brazil as primary beneficiaries, it did not impact the existing social gaps in real terms.³⁸ Indeed, according to ECLAC figures, Brazil was the only country in the region with an appreciable increase in extreme poverty (3.2%) and poverty (6%) in 2021, after also being the only one in which both indicators fell in 2020 (0.7 and 1.8 percentage points, respectively).³⁹

51. In connection with this, the IACHR and the REDESCA recall that poverty is a **problem** that creates obstacles and impediments to the enjoyment and exercise of human rights, in particular economic, social, cultural, and environmental rights, in conditions of true equality of persons and groups with enhanced exposure to this type of vulnerability, like Afro-descendent, indigenous, campesino, and riverside populations, as well as populations located in difficult-to-access areas.⁴⁰ Accordingly, in the complex economic, social, and health context of the pandemic, people in these groups are recognized as high risk, since they face a

³⁵ International Monetary Fund, [Fiscal Monitor](#), October 2022.

³⁶ International Monetary Fund, [Fiscal Monitor](#), October 2022.

³⁷ Brazil. Casa Civil, [Prorrogado por mais três meses o pagamento do Auxílio Emergencial 2021](#), August 13, 2021.

³⁸ Annual Report of the REDESCA of the IACHR, May 26, 2022.

³⁹ Economic Commission for Latin America and the Caribbean (ECLAC), [Social Panorama of Latin America and the Caribbean](#), p. 58, Santiago, 2022.

⁴⁰ IACHR, [Poverty and Human Rights](#), 2017, par. 91.

differentiated impact, and therefore require special, differentiated treatment from the States in the public policies implemented to safeguard them.⁴¹

52. The IACHR and its Special Rapporteurship expressed concern in their Annual Report 2021 over the review of legal provisions that suspend or restrict funds for policies involving economic, social, cultural, and environmental rights.⁴² In 2022, they found this situation to be exacerbated with the executive branch's veto of funds approved for areas of scientific research and for public policies targeting indigenous and *quilombola* peoples.⁴³

53. With regard to the draft 2023 budget, the IACHR and the Special Rapporteurship take note of a new reduction compared to 2022 in the public funds allocated to ensuring economic, social, cultural, and environmental rights mainly in health, education, and environmental matters, and in social plans, policies, and projects designed to meet the needs of vulnerable groups like women, children, and adolescents, and indigenous, *quilombola*, and Afro-descendent populations.⁴⁴

54. The State of Brazil has not provided much information on the establishment of technical committees that would serve as impartial agents to offer an objective analysis of the country's best fiscal and budget options prior to preparation of reforms, and as channels for social participation in the processes of drafting and approving tax laws and policies. With regard to this issue, the IACHR and the REDESCA remain concerned about the weakening and stripping of institutions vital to guaranteeing economic, social, cultural, and environmental rights, like cultural centers and art schools;⁴⁵ institutions that are key to promoting and protecting economic, social, cultural, and environmental rights like the National Indian Foundation (FUNAI);⁴⁶ and federal environmental protection agencies like the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity Conservation (ICMbio).⁴⁷

55. In this context, the IACHR noted with concern measures that could turn out to be regressive for the rights of indigenous peoples, such as the Chamber of Deputies' approval of a bill to regulate the tapping of mineral, water, and organic resources on indigenous reservations.⁴⁸ Deforestation of the Amazon was also an issue of particular concern for the IACHR in 2022, due to the adverse impact it could have on the survival of the indigenous peoples living there. According to available public sources, 11 km² of the Amazon rainforest were deforested between January and October 2022, the second largest area in the past 13 years. Since 2019, over 10,000 km² have been logged per year, with a new record for the past 15 years of 13,000 km² set in 2021.⁴⁹ The IACHR has warned that deforestation goes hand in hand with the invasion of indigenous territories as well as acts of aggression, harassment, and murder against members of indigenous groups who defend their lands.⁵⁰

56. Taking into consideration the lack of information on specific compliance measures, the Commission and the REDESCA consider the State's compliance with this recommendation to be **pending**.

⁴¹ IACHR - REDESCA, [Resolution 1/2020, Pandemic and Human Rights in the Americas](#), April 10, 2020.

⁴² Annual Report of the REDESCA of the IACHR, May 26, 2022.

⁴³ Agência Senado, [Congresso Nacional aprova o Projeto de Lei 2022/2022](#), December 21, 2021; Agência Senado, [Bolsonaro veta R\\$3.1 bilhões no Orçamento, que destina R\\$ 89.1 bilhões para Auxílio Brasil](#), January 24, 2022; G1, [Orçamento: Bolsonaro corta verbas voltadas para indígenas, quilombolas e para pesquisas científicas](#), January 24, 2022.

⁴⁴ INESC, [PLOA 2023: continuidade do desmonte das políticas sociais](#), September 5, 2022.

⁴⁵ IACHR, 182 Period of Sessions, [Situation of cultural rights and freedom of expression in Brazil](#), December 13, 2021.

⁴⁶ IACHR, 185 Period of Sessions, [Situation of the human rights of indigenous peoples in Brazil](#), October 26, 2022.

⁴⁷ Human Rights Watch, [Brazil: Indigenous Rights Under Serious Threat](#), August 9, 2022.

⁴⁸ Chamber of Deputies, [Câmara aprova urgência para projeto sobre mineração em terras indígenas; texto será analisado por grupo de trabalho](#), March 9, 2022.

⁴⁹ Imazon, [Desmatamento da Amazônia chega a quase 10 mil km² de janeiro a outubro e invade maior bloco de áreas protegidas do mundo](#), November 18, 2022; Ciclovivo, [Com 26% de área devastada, Amazônia se aproxima do ponto de não retorno](#), October 10, 2022; DW, [Desmatamento na Amazônia cai 11% em 2022](#), November 30, 2022.

⁵⁰ IACHR. Press release 236/21. [IACHR Expresses Concern over Bills That Could Constitute Setbacks for the Human Rights of Indigenous Peoples in Brazil](#). September 9, 2021.

57. To move towards compliance with this recommendation, the State must provide and mobilize as many resources as possible to ensure the effective exercise of economic, social, cultural, and environmental rights and reduce inequality. At the same time, the IACHR reminds Brazil that when it adopts policies, measures, and legal standards on this issue, it must ensure the further advancement of these rights and prohibit backsliding. In addition, the IACHR invites the State to implement accountability mechanisms as to how the available resources have been mobilized to progressively ensure the full realization of economic, social, cultural, and environmental rights.

58. The State did not provide information on implementation measures for the recommendation to **develop a mechanism for coordination among the three federative branches of government to guarantee the effective incorporation into domestic law and practice of international human rights standards, in relation to both the adoption of positive measures by the State and the abstaining from actions aimed to protect human rights.**

59. Neither did it provide information on the implementation of measures to ensure compliance with the recommendation to **develop, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information regarding the human rights situation of persons of African descent and traditional *quilombola* communities, indigenous peoples, LGBTI persons, as well as other at-risk and/or vulnerable groups, in order to create and implement appropriate laws and public policies for addressing needs and overcoming the specific hurdles those groups face, and in particular, ensure that disaggregated data are collected from a variety of public and private institutions, especially those working in the following sectors: health, education, access to work, justice, social protection, and so on.**

60. The IACHR and its REDESCA consider it essential for Brazil to implement policies for gathering and analyzing statistical data on the country's human rights situation, especially on the status of economic, social, cultural, and environmental rights, which affect persons and groups whose rights have historically been infringed and violated and who have been historically excluded in the country, like women, the LGBTI population, persons of African descent, traditional *quilombola* groups, and the indigenous and rural populations. It is also important for all State areas to coordinate and focus on the various aspects of the lives of these groups that are fundamentally linked to the guarantee of rights like education, work, housing, and health, as well as on systematically collecting disaggregated data to be used in designing, implementing, and evaluating State actions and policies on these groups, and in formulating relevant changes to existing policies.

61. The State did not provide information that would have allowed the IACHR to analyze its level of compliance with and progress on the rights subject to monitoring. With regard to guaranteeing economic, social, cultural, and environmental rights, the State's report is therefore limited in both form and content; its lack of disaggregation and failure to demonstrate qualitative signs of progress, in addition to its scant references to the priorities, policies, and initiatives adopted to progressively fulfill these rights preclude analysis and evaluation.

62. Continued evaluation and the production of trustworthy time-series data will make it possible to perform an exhaustive analysis and draw reliable conclusions on the human rights situation of vulnerable groups, and on progress, backsliding, and stagnation in their exercise of those human rights. Accordingly, the IACHR and the REDESCA remind the State of Brazil of its duty to improve the data-compilation process without losing sight of the fact that the progress indicators for measuring the rights covered by the Protocol of San Salvador, updates thereto, and the analysis of the evolution thereof, are fundamental inputs for monitoring the status of economic, social, cultural, and environmental rights and progress made thereon.

63. It is also important to highlight the limited access to available information, since many State pages have not updated their data and some were made unavailable to the public; accordingly, the Commission considers the decree making many State expenses confidential to violate the process of access to information,

transparency, and the fight against corruption.⁵¹ The IACHR is also concerned about the Brazilian Institute of Geography and Statistics (IBGE) proposal to postpone the census, as it could weaken public trust in the State institutions that should guarantee transparency.⁵²

64. Given the lack of specific measures reported by the State to implement this recommendation, the IACHR and the REDESCA consider compliance to be **pending**.

65. To comply with this recommendation, the State will have to establish the necessary policies to gather data that will provide an overview of the status of the human rights situation for the Afro-descendent, traditional *quilombola*, indigenous, and LGBTI communities, as well as for other at-risk and/or vulnerable groups, and subsequently implement measures to overcome the obstacles to guaranteeing their rights.

66. With regard to the recommendation to **design, implement, and finance comprehensive housing policies aimed at both reducing the current dire shortages and improving socioeconomic equality from an ethnic/racial and gender perspective, taking into account the physical characteristics of the territory, the infrastructure in place, and the availability of equipment and basic services, as well as the interests of economic agents and the organic ties that populations establish with the breeding ground where their daily lives play out**, the Commission and the REDESCA highlight the efforts and measures implemented by the State to tackle the country's housing crisis. According to the information provided, the State has designed two housing programs to guarantee the right to housing for persons living on the streets.⁵³

67. The State reported on the *Projeto Moradia Primeiro*⁵⁴ project, which is based on the homeless aid approach known internationally as Housing First and whose primary objective is to ensure that homeless individuals and families can access safe, short-term housing throughout the territory and integrated into the community. The beneficiaries of the program also receive support from a flexible, multidisciplinary team that responds to their requests in order to help them achieve full reinsertion into society. In addition to promoting access to public policies, the program aims to improve the mental and physical health of homeless people; achieve full exercise of citizenship; and produce data, information, and indicators to support pertinent public policies. The State reports that to date, it has allocated R\$10.69 million of the national budget to projects linked with Moradia Primeiro, distributed among various outreach and dissemination activities.

68. The State also reported the launch of the National Housing Plan (PlanHab2040),⁵⁵ an organizational strategy for planning and implementing the National Housing Policy for the next two decades. Drafting of the plan began two years ago, with technical studies and proposals for implementing and monitoring measures and mechanisms to address the issue of housing in Brazil's various regions, with contributions from members of the production chain, civil society, and the local governments. Implementation of the program is still pending.

69. Notwithstanding the foregoing, the IACHR and the REDESCA find that street people, who lack stable, safe, and suitable housing and suffer widespread deprivation of their other rights, form part of a vulnerable group that requires special attention. Accordingly, the IACHR and the REDESCA find that although the State has taken actions geared towards fulfilling the duty of designing, implementing, and financing comprehensive housing policies, the information provided does not clearly respond to how the violation of the right to decent housing impacts people and groups who have historically been discriminated against in the country, like women, Afro-descendants, indigenous peoples, campesinos, people with disabilities, migrants, and people living in poverty. The IACHR therefore emphatically calls on the State to provide these people with

⁵¹ Poder 360, *Como funcionam os sigilos de 100 anos impostos por Bolsonaro*, September 3, 2022.

⁵² Globo G1, *Censo 2022: faltando recensear ao menos 20% da população, IBGE admite que vai atrasar conclusão da pesquisa*, December 6, 2022.

⁵³ Brazil report to the IACHR, December 9, 2022, pars. 41-57, pp. 16-23.

⁵⁴ Ministry of Women, the Family, and Human Rights, *Decree 2.927*, August 26, 2021.

⁵⁵ Ministry of Regional Development, *National Housing Plan (PlanHab2040)*, February 2, 2021.

comprehensive, timely support, and stresses the urgent need for the State to take measures to guarantee their human rights, especially their economic, social, cultural, and environmental rights, including the rights to housing, health, social security, food, water, and sanitation, among others. The IACHR also underscores that the principle of equality and nondiscrimination must inform all measures adopted by the State.

70. Furthermore, although the State implemented these programs, the information it provided does not include disaggregated data on the street population. According to local civil society organizations that have contributed to the Commission and the REDESCA, in August 2021 at least 19,875 families had been evicted from their homes in Brazil during the pandemic alone, a 310% increase over prior figures.⁵⁶ The IACHR also took note of available sources that indicate that the street population grew 38% from 2019 to 2022, reaching 281,472 people; the data show rapid growth between 2021 and 2022 in the Single Registry database of poor households and individuals.⁵⁷

71. The Commission and the REDESCA are also concerned about the small budget earmarked for public housing policies and have learned that the draft budget for 2022 only allocated R\$8 million,⁵⁸ while the 2023 budget cut funds for the *Casa Verde e Amarela* (Green and Yellow House) housing program by 95%, to R\$34.1 million;⁵⁹ these amounts are insufficient to address the housing shortage in Brazil.

72. Given the foregoing, and in virtue of the information received, the Commission and the REDESCA consider State compliance with this recommendation to be **partial**.

73. In order to steer compliance with this recommendation and ensure the right to decent housing is upheld, the Commission calls on the State to adopt measures to address this issue with an intersectional approach that takes into account situations of poverty and extreme poverty and the additional vulnerabilities caused by other exclusionary processes. The Commission invites Brazil to establish programs and sufficient budgetary allocations for a comprehensive response to the housing crisis that these people face.

CITIZEN SECURITY

7. Amend the protocols and guidelines for local, state, and federal law enforcement agencies to ensure they meet international standards with regard to:

a. Permissible use of force in accordance with the principles of legality, proportionality, and absolute necessity.

b. Exceptions in which lethal force is authorized based on objective criteria.

c. Tactics for reducing tensions and the use of non-lethal weapons.

d. Prohibition of torture and of cruel, inhuman, or degrading treatment or punishment.

e. In protest situations, respect for, and facilitation of, exercise of the freedom of assembly, apart from containment protocols, techniques for handling situations, the use of non-lethal weapons.

8. Adopt whatever measures are needed to exhaustively examine and amend the protocols and guidelines used by local, state, and federal agencies, making sure that the use of racial profiling and other explicit or implicit discriminatory practices on grounds of ethnic/racial or national origin or other grounds are expressly punished.

9. Take all necessary measures to prevent violence against LGBTI persons, as well as to investigate and punish such violence with all due diligence, regardless of whether it is perpetrated in a family setting, within the community, or in the public sphere, including educational and health establishments.

⁵⁶ Office of the Public Defender of the State of São Paulo, *Journal of the Office of the Public Defender of the State of São Paulo, Viver na rua: fortalecendo redes e os direitos da população de rua*, 1st edition, 2022.

⁵⁷ Institute of Applied Economic Research, [População em situação de rua supera 281.4 mil pessoas no Brasil](#), December 8, 2022.

⁵⁸ Institute of Socioeconomic Studies (INESC), *Análise do projeto do Projeto de Lei Orçamentária Anual – PLOA 2022*, September 2021.

⁵⁹ G1, [Proposta do Orçamento de 2023 prevê redução de 95% nos recursos do programa Casa Verde Amarela](#), September 15, 2022.

10. Enforce federal legislation with a view to requiring proper training for law enforcement agents and agencies at the local level, as well as for justice operators (including judges, prosecutors, public defenders, and other state and federal court personnel), in human rights obligations regarding non-discrimination and combating implicit prejudice, along with other kinds of training to get rid of discrimination.

11. Prioritize the allocation of funds to intelligence actions needed to fight organized crime, criminal gangs, and militias, rather than to armed clashes with them. In particular, strive to track down actions by organized criminal groups, identifying their agents, above all by monitoring capital flows, business and financial transactions, movements of imports and exports triggered by them, and so on.

12. Adopt measures to revert the militarization of police institutions, including:

a. Canceling programs that allow the purchase or transfer of military equipment and weapons for local police authorities.

b. Federal government monitoring of the military weapons delivered to local police stations, and other measures to control the distribution of military arms; and

c. Police training in the proper use of institutional (police) equipment.

74. With regard to the recommendations on citizen security, in its response the State reported that the Ministry of Justice and Public Security (MJSP) has acted on the pillar of citizen security, insofar as the aims of public security in Brazil are still to reduce violent deaths, promote citizenship, address all forms of violence against women and other vulnerable groups, and improve public safety through a comprehensive, local, and participative view of society to prevent conflict, encourage institutional progress, and develop capacities for democratic governance, since society's participation is fundamental to the success of security projects and programs.⁶⁰

75. With regard to the pillars of preventing and controlling violence and crime, the State reported the following actions: a national diagnostic assessment of the community public security councils; training courses for those councils; campaigns for societal participation in public security, against violence and crime, and for the voluntary surrender of firearms and ammunition; and the Drug Abuse Resistance Education (PROERD Brazil) program, as well as local and state crime prevention programs; training courses for public security professionals; the promotion of sports and cultural activities for families and socially vulnerable groups with state law-enforcement units; and increased border surveillance to prevent the trafficking of drugs and weapons. The State also indicated that it is seeking to ensure the effectiveness of the justice and public security systems by strengthening institutions, providing training on mediation strategies and other means of peaceful conflict resolution, and enhancing societal participation by consolidating the Citizen Security Councils in the states. As for national follow-up on the external oversight of police activity and the prison system, the State highlighted the inspections performed by the Public Prosecutor's Office and the increased effectiveness of custody hearings, in terms of compliance with international protocols, guidelines, and treaties. The State also took the opportunity to cite its follow-up on Public Prosecutor's Office's actions in police units and the prison system during the pandemic; the study of the structure and effectiveness of the community and prison councils; and the process to develop restorative justice projects.⁶¹

76. Nevertheless, the IACHR noted with concern that the number of persons with a firearm registration certificate had increased by 474%,⁶² which will lead to more violence. This increase could foster the rise of private militias and worsen inequality and development indicators in the most vulnerable, crime-ridden areas. The Commission therefore underscores that the current state of affairs correlates with the weakening of mechanisms for preventing and combating torture.

⁶⁰ Brazil report to the IACHR, December 9, 2022, pars. 58-59, pp. 23-24.

⁶¹ Brazil report to the IACHR, December 9, 2022, pars. 58-75, pp. 23-26.

⁶² Globo G1, [Licenças para armas crescem quase cinco vezes no governo Bolsonaro: Exército tem 674 mil autorizações ativas. mostra Anuário](#), June 28, 2022.

77. The IACHR did not receive information from the State on the recommendation to **amend the protocols and guidelines for local, state, and federal law enforcement agencies to ensure that they meet international standards with regard to: (a) permissible use of force in accordance with the principles of legality, proportionality, and absolute necessity; (b) exceptions in which lethal force is authorized based on objective criteria; (c) tactics for reducing tensions and the use of non-lethal weapons; (d) prohibition of torture and of cruel, inhuman, or degrading treatment or punishment.**

78. The IACHR finds that, in accordance with public information and its ongoing monitoring of Brazil, this recommendation remains imperative for the country. Notably, it recalls that, in May 2021, three months after the Brazil report was published, it had condemned the police operation that resulted in at least 28 deaths in the Jacarezinho favela in Rio de Janeiro and expressed its extreme concern over the persistence of institutional violence in Brazil. At the time, it urged the State to investigate these events promptly and diligently, punish the responsible parties, and provide reparation for victims and their families.⁶³

79. Likewise, in December 2021, the Commission condemned the deaths of at least nine people during a police raid in the Salgueiro slum neighborhood in São Gonçalo, Rio de Janeiro, Brazil; it reiterated its concern over the persistent institutional violence and urged the State to promptly, diligently, and thoroughly investigate these events, punish anyone found responsible for them, and provide comprehensive redress for victims and their families.⁶⁴

80. Furthermore, in its press release 120/22 on June 1, 2022, the IACHR reminded Brazil of “its duty to ensure compliance with international standards concerning the use of force, based on the principles of legality, proportionality, and absolute necessity, with a view to reducing police violence and the number of police killings.”⁶⁵ In the article, the IACHR noted with concern that research by the Fluminense Federal University shows that, over the 2007-2021 period, a total of 17,929 police raids were conducted in Rio de Janeiro favelas. Of them, 593 led to massacres that killed a total of 2,374 people, amounting to 41% of the total death toll from police raids. On July 21, 2022, an elite 400-man battalion of the Rio de Janeiro military police conducted a raid in pursuit, according to the police, of a group that had robbed vehicles, freight, and banks, and had attacked police stations. All told, 18 people died in the raid: 2 women, 15 “suspects,” and 1 police officer.⁶⁶

81. Given the country’s failure to implement specific measures to comply with the recommendations, the Commission considers compliance to be **pending**.

82. To move toward compliance with this recommendation, the State must report on the measures adopted to reform protocols and regulations on the use of force. The measures must ensure that these protocols align with international human rights standards, in accordance with the criteria established in this recommendation.

83. With regard to recommendation 7(e) to **amend the protocols and guidelines for local, state, and federal law enforcement agencies to ensure that they meet international standards with regard to: in protest situations, respect for, and facilitation of, exercise of the right of freedom of assembly, apart from containment protocols, techniques for handling situations, the use of non-lethal weapons**, the Brazilian State has reported ongoing efforts towards institution building and training on mediation strategies and other means of peaceful conflict resolution in the justice and citizen security systems. Furthermore, over the course of 2022, Brazil has expressed, to the IACHR, its commitment to guaranteeing the

⁶³ IACHR, Press release [117/21 - IACHR Condemns Police Violence in Favela Jacarezinho in Rio de Janeiro and Urges Brazilian State to Reform its Public Security Policy](#). Washington, D.C., May 7, 2022.

⁶⁴ IACHR, Press Release, [339/21 - IACHR Condemns Death of At Least 9 People During a Police Raid in the Salgueira Favela in Rio de Janeiro, Brazil](#). Washington, D.C., December 13, 2021.

⁶⁵ IACHR, Press Release, [120/22 - IACHR Condemns Police Violence Against Afro-Descendant Persons in Brazil. Calls on State to Fight Racial Profiling](#). Washington, D.C., June 1, 2022.

⁶⁶ BBC Mundo, [La policía de Río de Janeiro es una máquina de matar](#), July 27, 2022.

right to peaceful demonstration for all without discrimination, which is also provided for in Article 5(XVI) of the Federal Constitution.⁶⁷ The Brazilian State also stressed that the responsibility of ensuring the public order and the security of the demonstrators falls to the states' military police forces, which are in charge of implementing the most appropriate and proportional measures to guarantee the right to peaceful protest, in coordination with other public security agencies.⁶⁸ However, the State did not report any efforts to amend or review local or federal protocols and guidelines based on inter-American standards.

84. The IACHR and its SRFOE also took note of Law 14,197, published on September 1, 2021, which in addition to revoking the National Security Act establishes that it is not a crime against the democratic rule of law "to voice criticism of the constitutional powers or journalistic activity, or to demand constitutional rights and guarantees through marches, rallies, strikes, movements, or any other form of political demonstration for social purposes."⁶⁹ The draft of this law had also established a criminal penalty for the offense of "hampering, through violence or serious threat, the free, peaceful exercise of the right to demonstrate." However, the Office of the President of the Republic vetoed this provision, arguing that it would be "difficult to distinguish, a priori and at the time of the police action, if a demonstration would be peaceful, leading to major legal insecurity for public law-enforcement officers responsible for maintaining order"⁷⁰ given that "peaceful demonstrations could turn into violent actions that the State would have to quell."⁷¹

85. The IACHR and its SRFOE have also monitored bills that sought to expand the definition of terrorist acts and would have amended the Anti-terrorism Law of 2016, such as Bill 1595/2019 of the Chamber of Deputies and Senate Bill 272/2016 of the Federal Senate.⁷² Requests to fast track Bill 1595/2019 were submitted in December 2021, but were subsequently rejected by the Chamber.⁷³ In March 2022, the Office of the President of the Republic presented a bill to amend the Anti-terrorism Law that proposed to define terrorism as the commission of "violent acts with political or ideological ends, when committed with the purpose of causing social or widespread terror."⁷⁴ The bill maintains that this proposed definition would not be applied to "peaceful individual or group behavior of demonstrators (...) seeking to challenge, criticize, protest, or support, in order to defend constitutional rights, guarantees, and freedoms." However, according to available information and as reported by civil society and United Nations rapporteurs, the proposed changes to the Anti-terrorism Law do entail the risk of unduly criminalizing social movements.⁷⁵

86. With regard to the pursuit of justice for the alleged excessive use of force by law enforcement, the IACHR and its SRFOE welcome a significant decision made by the Federal Supreme Court, which reasoned that the State's responsibility for damages against journalists covering protests is objective, with the only exclusion being liability for the sole fault of the victim, meaning cases in which the media workers failed to comply with a clear, obvious warning against accessing delimited areas that could pose a grave risk to their physical integrity.⁷⁶ That said, the SRFOE notes the potential risks to the rights to freedom of expression and to

⁶⁷ Mission of Brazil to the OAS. September 2, 2022. Response to charter Article 41. Archive of the Office of the Special Rapporteur.

⁶⁸ Mission of Brazil to the OAS. September 2, 2022. Response to charter Article 41. Archive of the Office of the Special Rapporteur.

⁶⁹ Official Gazette of the Union. September 2, 2021. Edition 167, section 1, p. 4. [Law 14,197 of September 1, 2021](#).

⁷⁰ Office of the President of the Republic. Veto 46/2021. [Message 427](#). September 1, 2021.

⁷¹ Office of the President of the Republic. Veto 46/2021. [Message 427](#). September 1, 2021.

⁷² Chamber of Deputies. Undated. [Bill 1595/2019 and attachments](#); Federal Senate. Undated. [Senate Bill 272/2016](#).

⁷³ Chamber of Deputies News Agency. December 8, 2021. [Deputados rejeitam pedido de urgência para projeto sobre ações contraterroristas - Notícias](#).

⁷⁴ Chamber of Deputies, [Bill 732/22. Full Bill as of March 28, 2022](#), Undated.

⁷⁵ OHCHR, Comments on Senate Bill No. 272/2016, seeking to reinstate provisions in Brazil's Anti-Terrorism Law and Draft Bill No. 1595/2019, which would also amend prior legislation. [OL BRA 6/2021](#), 18 June 2021; UN Brazil, [Projeto de lei antiterrorismo no Brasil gera preocupação em Escritório de direitos humanos da ONU](#), 27 August 2021; Conectas, [UN expert expresses concern over anti-terrorism bills in Brazil](#), April 14, 2022; Terra de Direitos, [Incompatível com Constituição e compromissos internacionais. Projeto de Lei trata de atos contraterroristas](#), August 19, 2021; Artigo 19, [Câmara faz andar projeto sobre terrorismo proposto por Bolsonaro em 2016](#), June 29, 2021; Chamber of Deputies News Agency, [Relator altera proposta sobre contraterrorismo e diz que não há criminalização de manifestações](#), September 9, 2021.

⁷⁶ Federal Supreme Court, [Case 1055](#).

reparation in cases of abuse stemming from the lack of precision regarding what will be considered a “clear, obvious warning.”⁷⁷

87. Although the IACHR observed a decrease in clashes between security forces and demonstrators after publication of its Brazil report, in 2019 the SRFOE received information on the alleged excessive use of force by police officers as well as arrests at and surveillance of protests organized by the *Movimento Passe Livre* (Free Pass Movement) in São Paulo.⁷⁸ In turn, in 2022, decisions made by the Federal Supreme Court established that law-enforcement agents would adopt all measures necessary to clear roads blocked by individuals protesting the results of the 2022 elections, and upheld⁷⁹ appeals against the integrity and legitimacy of the Brazilian election system.⁸⁰ The use of tear gas and other nonlethal ordnances against demonstrators blocking roads (highways and urban and local roads) has been registered since October.⁸¹

88. The IACHR and its SRFOE recall that demonstrators have the right to choose the content and messages of their protests, based on the general assumption that all expressive speech is covered, with the only exception being speech expressly prohibited under international human rights law (e.g., Article 13.5 of the American Convention on Human Rights).⁸² Accordingly, the restrictions imposed on potential roadblocks must take this presumption of *ab initio* coverage into account; restrictions on protected speech should be exceptional, established on a case-by-case basis, and justified to protect persons only when the demonstrations’ potential disruption to daily life would be prolonged and large scale, to the point of gravely jeopardizing the guarantee of other rights related to the lives and integrity of persons.⁸³

89. Notably, in meetings with civil society organizations held over the past few years, the IACHR and its SRFOE received reports that vulnerable groups and human rights defenders are increasingly engaging in self-censorship, due to their fear that others will take violent action against them during demonstrations.⁸⁴ The IACHR has also monitored the climate of stigmatization of and aggression against journalists covering social protests, especially protests in support of the government in power that voice distrust in Brazil’s democratic institutions.⁸⁵

90. Since the Commission did not receive specific information about compliance measures implemented for this recommendation, it considers compliance to be **pending**.

⁷⁷ IACHR, Annual Report 2021, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1. May 26, 2022, par. 134.

⁷⁸ IACHR, Annual Report 2019, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 5, February 24, 2021, par. 205.

⁷⁹ Federal Supreme Court, ADPF 519, Justice Alexandre de Moraes, [Decision](#), October 31, 2022.

⁸⁰ Federal Supreme Court, [Ministro Alexandre de Moraes determina imediata desobstrução de rodovias](#), October 31, 2022; Poder 360, [Moraes autoriza PM a desobstruir rodovias, incluindo federais](#), November 1, 2022; G1, [Moraes manda PM do Acre desobstruir vias travadas por atos golpistas, incluindo área de batalhão do Exército em Rio Branco](#), November 7, 2022.

⁸¹ Uol, [Polícia rodoviária usa bomba de gás lacrimogêneo para liberar estrada em GO](#), October 31, 2021; Uol, [PM de SP usa bombas de gás e jatos d’água para desbloquear Castello Branco](#), November 2, 2022.; Agencia Belem, [Prefeito de Belém determina liberar calçadas ocupadas por manifestantes golpistas](#), November 16, 2022.; UOL, [Ato golpista é dispersado com balas de borracha e gás lacrimogêneo no PA](#), November 1, 2022.

⁸² IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, pars. 66-67.

⁸³ IACHR, [Protest and Human Rights](#), OEA/Ser.L/V/II CIDH/RELE/INF. 22/19, September 2019, par. 71; IACHR, [Observations and recommendations of the working visit of the IACHR to Colombia on June 8-10, 2021](#), July 2021, par. 157.

⁸⁴ IACHR, Press release 171/22 - [IACHR asks Brazil to Prevent, Investigate, and Punish Violence in Its Upcoming Election Process](#), July 29, 2022; Office of the Special Rapporteur for Freedom of Expression Archive. Listening session with organizations and specialists from the DEMOS Observatory. August 5 and 16, 2022.

⁸⁵ IACHR, Annual Report 2021, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 64 rev. 1. May 26, 2022, par. 117; IACHR, Annual Report 2020, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II Doc. 28. March 30, 2021, par. 180. OEA/Ser.L/V/II. Doc. 5, par. 180; IACHR, Annual Report 2019, [Annual Report of the Office of the Special Rapporteur for Freedom of Expression](#), OEA/Ser.L/V/II. Doc. 5, February 24, 2021, par. 220.

91. To guide the implementation process, the Commission invites the State to analyze and strengthen its protocols and guidelines for local, state, and federal police agencies, to ensure they align with international human rights standards, specifically on the right to protest.

92. With regard to the recommendation to **adopt whatever measures are needed to exhaustively examine and amend the protocols and guidelines used by local, state, and federal agencies, making sure that the use of racial profiling and other explicit or implicit discriminatory practices on grounds of ethnic/racial or national origin or other grounds are expressly punished**, the State reported on its Public Security in Promoting Racial Equality program, whose main objective is to train members of the Single Public Security System on promoting ethnic/racial equality. This program is based on a technical-cooperation agreement between the MMFDH National Secretariat on Policies for Promoting Racial Equality (SNPIR) and the MJSP Secretariat for Public Security Management and Education to formalize joint action on teaching and research activities designed to promote racial equality and combat racism, through symposiums, seminars, publications, and research.⁸⁶

93. With regard to the systematic violence and structural racial discrimination affecting Brazil's slum neighborhoods, the State indicated that it is implementing several measures, namely: the Race/Color in the Prison System: Respect and Access to Rights program, which seeks to train public servants to promote ethnic/racial equality within the national prison system; development of the "Ethnic/racial policies: concepts and methods for overcoming racism and inequalities" course; a technical-cooperation agreement signed with the Office of the Prosecutor General of Mato Grosso do Sul for implementation of joint actions to fight racism and ethnic/racial discrimination, protect youth victims of violence, and ensure external control over police activity; updating and republishing of the "Ethnic/racial discrimination: know your rights" booklet; and reprinting of the Racial Equality Statute. In turn, the MJSP reported that when consulted, the Federal Police indicated that it did not currently have elements to add to the State report to the IACHR.⁸⁷

94. The IACHR took note of available public sources on the Federal Supreme Court with respect to the raids in the favelas; specifically, it disclosed the scope of the precautionary measure limiting police raids in communities in the state of Rio de Janeiro during the COVID-19 pandemic. This measure established that the State, within 90 days, would provide the Court with a plan to reduce lethal police violence and control human rights violations committed by security forces. At the time, the Court highlighted that police practices in the city of Rio de Janeiro contravene the rights and duties established in the Federal Constitution. The Court also emphasized that State agents should only use lethal force once they have exhausted all other means and in situations where such force would be necessary to protect their lives or prevent grave damage that would result from a specific, imminent threat.⁸⁸

95. The IACHR is concerned that around 800 people have died in the slums of Rio de Janeiro as a result of law-enforcement actions since June 2020, when the Federal Supreme Court specified that raids may only be conducted in the communities in "absolutely exceptional" cases. According to one study, in 2020 there were an average of 90.1 victims per month.⁸⁹

96. In its Brazil report, the Commission pointed out that persons of African descent have historically been impacted by structural discrimination and institutional racism, and noted, with profound concern, the systemic violence perpetrated by State agents, especially ones in police institutions and the justice system, based on racial profiling designed to criminalize and punish the Afro-descendent population.⁹⁰ In its

⁸⁶ Brazil report to the IACHR, December 9, 2022, pars. 75-75, p. 26.

⁸⁷ Mission of Brazil to the Organization of American States Note 478, December 28, 2022. Federative Republic of Brazil, Inter-American Commission on Human Rights, Article 41 of the American Convention on Human Rights, "*Situação de violência sistemática e discriminação racial estrutural nas favelas do Rio de Janeiro e áreas periféricas*," State report. In IACHR files.

⁸⁸ Federal Supreme Court, *STF esclarece limites para operações policiais em comunidades do RJ durante pandemia*, February 3, 2022.

⁸⁹ Globo G1, *Favelas do RJ têm quase 800 mortos em ações policiais desde que STF mandou restringir operações*, April 5, 2021.

⁹⁰ IACHR, *Situation of human rights in Brazil*, OEA/Ser.L/V/II. Doc. 9, February 12, 2021, par. 21-22.

response, the State mentioned a training project that will be implemented but did not provide information about the recommendation, and compliance is therefore considered to be **pending**.

97. To move towards implementation of this recommendation, the State must provide information on the measures it has adopted to amend the protocols and guidelines exhaustively and at all levels to ensure that discriminatory practices, whether explicit or implicit, are punished. These measures may consist of issuing new regulations or amending existing ones to introduce explicit penalties.

98. In connection with the recommendation to **take all necessary measures to prevent violence against LGBTI persons, as well as to investigate and punish such violence with all due diligence**, as will be shown in the analysis of the recommendations on rights of LGBTI persons, the Commission welcomes the decision made in May by the Sixth Chamber of the Superior Court of Justice to recognize that the Maria da Penha Law on preventing domestic and family violence against women is also applicable to trans women. This decision is especially significant because as a country Brazil posts the most murders of trans persons in Latin America⁹¹ and the highest number of homophobic murders in the world.⁹²

99. At the same time, the IACHR took note of available public information reporting the dismantling of institutions in charge of protecting and defending the rights of LGBTI persons,⁹³ which translated into an increase in violent acts against this population group. Sources indicate that 1,719 acts of aggression against LGBTQIA+ persons were registered in 2021, 35.2% more than in 2020, with 1,271. The number of rapes rose from 95 to 179.⁹⁴ Against this backdrop, high-level authorities have made speeches denying the rights of LGBTI persons and attacking gender-education policies.⁹⁵ It is important to recall that violence against this population is multicausal and underpinned by a sociocultural process.

100. Regardless, based on the information provided and the lack of specific measures known to have been implemented for compliance with this recommendation, the Commission considers State compliance to be **pending**.

101. To move towards compliance with this recommendation, the State will have to implement measures to prevent and punish violence against LGBTI persons, with an emphasis on applying the principle of due diligence, and report the results obtained.

102. The Commission did not receive information from the State on **recommendations 10, 11, or 12 on citizen security**, and therefore considers compliance with them to be pending.

103. To steer compliance with recommendation 10, the Commission recalls the importance of implementing federal regulatory measures that will require law-enforcement agents and agencies to receive training on human rights and the topics listed in the recommendation. In turn, with regard to recommendation 11, the IACHR points out the need for the State to prioritize the allocation of funds to bolster intelligence on organized crime, criminal gangs, and militias. Lastly, for recommendation 12, the IACHR invites the State to adopt the institution-building measures necessary to reverse the militarization of police departments, based on the standards indicated in the recommendation.

⁹¹ TGEU, [TMM Update • Trans Day of Remembrance 2022](#), November 8, 2022.

⁹² SWI, [Brasil continúa como el país con más muertes por homofobia en el mundo](#), February 22, 2022.

⁹³ Instituto Matizes, [LGBTI+: entenda o desmonte nas políticas no governo Bolsonaro](#), November 2022.

⁹⁴ Globo G1, [1,7 mil LGBTQIA+ foram vítimas de agressões físicas em 2021: 8 estados não têm dados sobre o tema](#), June 28, 2022.

⁹⁵ UOL, [os homossexuais na visão de Bolsonaro](#), September 25, 2022; El País, [O que Bolsonaro já disse de fato sobre mulheres, negros e gays](#), October 7, 2018; [Human Rights Watch, Brazil: Attacks on Gender and Sexuality Education](#), May 12, 2022.

ACCESS TO JUSTICE

13. Guarantee appropriate, quick, and comprehensive reparation for all victims of police violence and their family members, including financial support, medical and psychological care, and measures to avoid revictimization.

14. Establish independent mechanisms in cases involving police violence, that include participation by victims' next of kin, civil society representatives, ombudspersons, and other interested parties, in such a way as to ensure transparency in investigative and processing procedure, identification of potential obstacles to clarification of the facts, and the prosecution of perpetrators.

15. Adopt resolute measures to guarantee all women victims of violence and discrimination access to justice at every stage (denunciation, investigation, and judicial proceedings), including access to information in a language and socio-cultural presentation they can understand, with trained personnel to assist them, and appropriate legal counseling.

16. Decriminalize offenses against honor/reputation—contempt (desacato), calumny, defamation, and insult—and convert them in the case of government officials or cases involving the public interest into civil suits, in accordance with international standards and best practices in this field.

104. With regard to the recommendations on access to justice, the State indicated in general terms that Article 2 of the Federal Constitution establishes that, as for judicial independence and access to justice, the legislative, executive, and judicial branches are compatible and independent. The State added that the most vulnerable population groups access justice through public defenders' offices, and that one of the challenges facing the country is the length of judicial proceedings, which can exacerbate situations, especially in cases of human rights violations.⁹⁶

105. The State also reported that the National Strategy for Promoting Justice Policies instituted by Ordinance 864/2019 of the Ministry of Justice and Public Security for interagency coordination with justice system organizations, understood to be the public and private organizations that directly or indirectly work to promote access to justice policies, has three action pillars: (a) modernization and improvement of the justice system; (b) democratization of access to justice; and (c) promotion of citizenship. The National Strategy for Promoting Justice Policies includes the Pact for Women, signed August 7, 2019, and the Pact for Implementation of Law 13,431/2017, which establishes a system to guarantee the rights of child and adolescent victims and witnesses of violence, amends Law 8,069 of July 13, 1990 (Statute on the Child and Adolescent), and was signed June 13, 2019. These Pacts are interagency coordination initiatives geared towards democratizing access to rights and promoting citizenship and are implemented through thematic working groups.⁹⁷

106. The State added that since access to justice is a multicausal issue, the National Strategy for Promoting Justice Policies focused on: public policies on access to justice and citizenship implemented without evidence-based grounds; and violations of human rights in populations with some type of social vulnerability. In this way, the State aims, through the objectives established in MJSP Decree 864/2019, to foster an interagency and technological climate able to facilitate the construction of effective public policies for democratizing access to justice and modernizing citizen services. The specific objectives are to: (a) help modernize and improve the justice system; (b) work to expand access to justice and citizenship; (c) provide a positive climate for members of the justice system to submit, discuss, and formulate crosscutting public policies; (d) respect regional differences in building public policies on access to justice; (e) foster the use of

⁹⁶ Brazil report to the IACHR, December 9, 2022, par. 76, p. 27.

⁹⁷ Brazil report to the IACHR, December 9, 2022, pars. 77-81, pp. 27-28.

technological tools to gather and analyze data for supporting the formulation of public policies on access to justice; and (f) focus on citizen-centered outcomes.⁹⁸

107. On this issue, the IACHR highlights the State convictions of the individuals responsible for the massacres at Unai (Minas Gerais),⁹⁹ Jacareí,¹⁰⁰ Arcanjo,¹⁰¹ Outeiro,¹⁰² Via Show,¹⁰³ and Assis.¹⁰⁴ Notably, it also points out the State's failure to prosecute the cases of Pau D'Arco,¹⁰⁵ Ceará,¹⁰⁶ Paraisópolis,¹⁰⁷ Caputera,¹⁰⁸ and Carandiru prison in São Paulo.¹⁰⁹ In connection with the latter, the IACHR expresses its concern over former president Bolsonaro's pardon of the police officers responsible.¹¹⁰ Even though the Supreme Court overturned this pardon,¹¹¹ it is important to highlight that impunity fosters a climate favorable to such massacres.

108. The Commission appreciates the information provided by the State. However, it notes that the State response did not specifically refer to implementation of recommendations 13 and 14 on access to justice, and therefore considers compliance to be **pending**. Recommendation 15 on adopting resolute measures to guarantee access to justice for all women victims of violence and discrimination will be analyzed in the section on women's rights.

109. To guide implementation of recommendations 13 and 14 on access to justice, the IACHR invites the State to adopt mechanisms that will guarantee reparation for the victims of police violence and their families based on IACHR standards, and to establish independent mechanisms in cases of police violence to ensure they are investigated, prosecuted, and punished in a transparent fashion.

110. With regard to recommendation 16 to **decriminalize offenses against honor/reputation—contempt, calumny, defamation, and insult—and convert them in the case of government officials or cases involving the public interest into civil suits, in accordance with international standards and best practices in this field**, the Brazilian State did not provide information on the implementation of judicial or administrative measures for compliance.

111. Furthermore, the Commission and its Office of the Special Rapporteur for Freedom of Expression have learned that after the on-site visit in 2018, on June 19, 2020, the Federal Supreme Court ruled nine to two that defining contempt as a criminal offense in Article 331 of the Criminal Code does not violate the guarantee of freedom of expression.¹¹² The IACHR and its SRFOE underscore that the Federal Supreme Court's decision was adopted in the specific context of debate among judicial bodies about the constitutionality of the definition of contempt as a crime in Brazil and its adherence to conventions,¹¹³ with the final posture departing

⁹⁸ Brazil report to the IACHR, December 9, 2022, pars. 82-84, pp. 28-29.

⁹⁹ RedeBrasilAtual, [Condenado: ex-prefeito de Unai pega 64 anos de prisão por chacina, mas ainda recorrerá em liberdade](#), May 27, 2022.

¹⁰⁰ Ovale, [Homem é condenado a 120 anos por chacina com 5 mortos e 5 feridos em Jacareí](#), November 24, 2022.

¹⁰¹ Gazetadigital, [Ex-pistoleiro é condenado a 55 anos por chacina em fazenda de Arcanjo](#), November 24, 2022.

¹⁰² Amazônia, [Ex-PM acusado de chacina em Outeiro é condenado a 84 anos de prisão em regime inicial fechado](#), February 14, 2022.

¹⁰³ Terra, [Mãe de vítimas da 'Chacina da Via Show' lamenta morte do marido antes da condenação](#), October 14, 2022.

¹⁰⁴ Acre News, [Réu é condenado a mais de 120 anos de prisão por chacina em Assis Brasil](#), May 17, 2022.

¹⁰⁵ Terra, [Massacre do Pau D'Arco completa cinco anos sem condenação de responsáveis](#), May 24, 2022.

¹⁰⁶ Globo G1, [Maior chacina do Ceará, que deixou 14 mortos, completa 4 anos sem o julgamento dos suspeitos](#), January 27, 2022.

¹⁰⁷ Carta Capital, [Três anos após a chacina de Paraisópolis, familiares seguem cobrando justiça](#), December 8, 2022.

¹⁰⁸ O Diário, [Chacina do Caputera completa sete anos sem respostas](#), January 30, 2022.

¹⁰⁹ Globo G1, [Massacre em SP que matou 111 presos no Carandiru completa 30 anos sem prisões de PMs condenados ou desfecho na Justiça](#), October 1, 2022.

¹¹⁰ Conectas, [Indulto de Bolsonaro beneficia policiais do massacre do Carandiru](#), December 23, 2022.

¹¹¹ UL, [STF suspende indulto de Bolsonaro a policiais do massacre do Carandiru](#), January 17, 2023.

¹¹² Federal Supreme Court, [Tipificação do crime de desacato não viola a garantia de liberdade de expressão](#), June 22, 2020.

¹¹³ Superior Court of Justice, [Terceira Seção define que desacato continua a ser crime](#), May 9, 2017; Superior Court of Justice, [Quinta Turma descriminaliza desacato a autoridade](#), December 15, 2016.

from the IACHR's repeated recommendations to the States of the Americas.¹¹⁴ At present, bills have been proposed in Brazil to repeal the criminal provisions that establish the crime of contempt; they include Bill 2769/2015 and its attachments, on which Congress has not made any progress since 2018.¹¹⁵

112. With regard to proposals for legislative reform, the IACHR and its SRFOE take note that Law 14,197 of 2021 revoked the National Security Act, whose article 26 had established a one-to-four-year sentence for the crime of slander or defamation against the President of the Republic, the President of the Federal Senate, the President of the Chamber of Deputies, or the Chief Justice of the Federal Supreme Court. However, this same Law 14,197 also amended Article 141(II) of the Criminal Code to include aggravated sentences for the crimes of slander, insult, or defamation committed against the President of the Federal Senate, President of the Chamber of Deputies, or Chief Justice of the Federal Supreme Court.¹¹⁶ The SRFOE also took note of the bills to revoke the criminal penalty for slander, insult, and defamation being moved through the National Congress, like Chamber of Deputies Bill 7475/2017 and its attachments.¹¹⁷

113. The IACHR and its Office of the Special Rapporteur also learned that an investigation has been going on in the Federal Supreme Court since March 14, 2019, due to “the existence of fake news, false accusations, threats, and offenses laden with *animus calumniandi*, *defamandi* and *injuriandi* against the honor and security of the Federal Supreme Court and its members and next of kin.”¹¹⁸ The investigation is led by a justice appointed by the Federal Supreme Court, which is also the body with the authority to prosecute the potential criminal conduct in question.¹¹⁹ The IACHR and its SRFOE have learned that the investigation and other associated ones are analyzing speech on political issues and critiques of authorities, and the possibility that they could constitute an attempt to discredit the institutional powers in the rule of law system, through deliberate disinformation, or speech that is not protected by the right to freedom of expression.

114. Likewise, information continues to come out about journalists who report issues of public interest being threatened with or subjected to investigations and criminal suits.¹²⁰ Civil society organizations indicate that from 2014 to 2022, 5,632 claims for damages, criminal complaints, and attempts to remove content published on social networks, independent websites, and traditional media outlets were filed.¹²¹ On September 21, 2021, the journalist Paulo Cezar de Andrade Prado, who covers politics and sports, was arrested and deprived of liberty until December 2021, pursuant to the five-month prison sentence handed down in the criminal case against him for defamation, brought after he published a blog post exposing irregularities in a soccer club's vice president's management of the club.¹²²

115. The IACHR and its SRFOE recall that civil lawsuits must adhere to standards of proportionality and necessity pursuant to Article 13.2 of the American Convention on Human Rights. In connection with this, they observed that in 2022, the journalist Rubens Valente and publishing company Generación Editorial were ordered to pay a civil penalty of approximately R\$300,000 (US\$60,000) for publishing a book that investigated a well-known case of money laundering, diversion of public funds, and corruption in Brazil and criticized the

¹¹⁴ IACHR, Office of the Special Rapporteur for Freedom of Expression, [Declaration of Principles on Freedom of Expression](#), Principle 11; IACHR, Annual Report 1994. [Chapter V: Report on the Compatibility of “Desacato” Laws with the American Convention on Human Rights](#), Section IV. OEA/Ser. L/V/II.88. doc. 9 rev. February 17, 1995.

¹¹⁵ Chamber of Deputies, [Bill 2769/2015 and attachments](#), undated.

¹¹⁶ Official Gazette of the Union, [Law 14.197 of September 1, 2021](#), September 2, 2021.

¹¹⁷ Chamber of Deputies, [Bill 7475/2017 and attachments](#), undated.

¹¹⁸ Federal Supreme Court, Chief Justice Dias Toffoli, [Office of the Chief Justice Decree 69](#), March 14, 2019.

¹¹⁹ Federal Supreme Court, Chief Justice Dias Toffoli, [Office of the Chief Justice Decree 69](#), March 14, 2019.

¹²⁰ El País, [Inquérito policial contra jornalista do “The Intercept” se soma à ofensiva para intimidar a imprensa](#), June 9, 2021; CPJ. [Police investigate The Intercept Brasil editor Leandro Demori over reporting on police killings](#), June 22, 2021, The Intercept. [Denuncie um juiz na imprensa e vá à falência \(se não for preso\)](#), May 9, 2022; ABRAJI. [Abraji expressa preocupação com queixa-crime apresentada contra Fábio Leite e Guilherme Amado](#), October 13, 2022; CONJUR, [MPF defende absolvição de jornalista acusado de caluniar deputado](#), June 11, 2022.

¹²¹ ABRAJI. [Abraji rejeita sentença que condena jornalistas a indenizar juíza do MT](#), September 2, 2022. ABRAJI, [Projeto CTRL+X](#).

¹²² CPJ. [Blogueiro esportivo brasileiro enfrenta 5 meses de prisão em caso de difamação de 2016](#), March 11, 2021; CONJUR, [ABI repudia prisão de jornalista do Blog do Paulinho](#), September 28, 2021.

legal action of a Federal Supreme Court justice. It was this justice who filed the civil claim against the journalist and his publisher.¹²³ In addition to awarding financial compensation to one of its justices, the Federal Supreme Court stipulated that future editions of the book must include the original claim filed by the justice as well as the entire text of the conviction. According to the available information, this stipulation would in practice make it impossible to publish future editions of the work, given the length of those documents.¹²⁴ Likewise, during the enforcement process, Valente was named a joint debtor for the publishing company's portion of the reparation amount, and was later summoned to make this payment, in addition to the payment he had already made.¹²⁵

116. The IACHR and its SRFOE have also been receiving reports of various cases in which the judicial branch was used to prohibit disclosure of news stories prior to their publication, to protect the honor of the allegedly affected individuals. Although some of these decisions were revoked in higher courts,¹²⁶ the IACHR and its SRFOE note that the prohibitions ordered by the lower courts did serve as deterrents to freedom of expression and public debate, and they reaffirm the importance of ensuring judicial branch decisions adhere to inter-American standards on this issue. For example, the IACHR and its SRFOE found that the disclosure of investigations and news stories had been prohibited in cases involving reporting on alleged irregularities in the governance of a Brazilian city;¹²⁷ clinical trials of medications and their efficacy against COVID-19;¹²⁸ and complaints of gender violence.¹²⁹

117. The IACHR and its SRFOE have also been informed about cases in which the justice system has decided to suspend circulation of news stories through precautionary measures without having made a decision on the merits of the dispute; these measures include preparatory proceedings for the potential submission of criminal complaints and even the suspension of disclosure of stories on issues of public interest with regard to the elections in Brazil.¹³⁰ The IACHR and its SRFOE are struck by the repeated orders to remove content made against a paper specialized in covering the Amazon region and environmental law issues.¹³¹ Accordingly, the IACHR considers State compliance with this recommendation to be **pending**.

118. To steer implementation of this recommendation, the IACHR asks the State to adopt processes designed to decriminalize the aforementioned criminal offenses, with the aim of eventually abrogating them, and where applicable, for cases of public servants and cases in the public interest, turned into civil suits, pursuant to applicable international standards and best practices.

¹²³ Agência Pública, [Caso Rubens Valente revela nova censura e põe em risco liberdade de imprensa](#), May 6, 2022; CNN, [Moraes determina que jornalista publique condenação em nova edição de livro](#), May 14, 2021.

¹²⁴ Agência Pública, [Caso Rubens Valente revela nova censura e põe em risco liberdade de imprensa](#), May 6, 2022; ABRAJI, [Abraji leva caso de Rubens Valente à Comissão Interamericana de Direitos Humanos](#), May 9, 2022.

¹²⁵ Congresso em Foco, [Amigos fazem vaquinha para jornalista pagar R\\$ 310 mil a Gilmar Mendes – Congresso em Foco](#), May 7, 2022; ABRAJI, [Abraji leva caso de Rubens Valente à Comissão Interamericana de Direitos Humanos](#), May 9, 2022.

¹²⁶ GZH, [Liminar do STF derruba censura prévia de reportagem da RBS TV](#), January 11, 2022; Federal Supreme Court, [Ministro Gilmar Mendes afasta proibição de reportagem sobre supostos ilícitos de prefeito de Bagé \(RS\)](#), April 13, 2022; Conjur, [Conjur - STF mantém suspensão de censura a reportagens do jornal O Globo](#), February 22, 2022; Migalhas, [Gilmar Mendes derruba censura à Piauí no caso Marcius Melhem](#), February 3, 2022.

¹²⁷ GZH, [Reportagem da RBS TV está sob censura prévia](#), January 11, 2021; ABERT, [NOTA DE REPÚDIO](#), August 26, 2021.

¹²⁸ Conjur, [Conjur - O Globo deve tirar do ar notícias sobre testes com proxalutamida](#), October 22, 2021; O Globo, [Justiça amplia censura ao GLOBO no caso de rede de saúde que patrocinou estudo sob suspeita com proxalutamida](#), October 20, 2021.

¹²⁹ Poder 360, [Justiça proíbe revista piauí de publicar nova reportagem sobre Marcius Melhem](#), August 25, 2021; Conjur, [Gilmar autoriza publicação de reportagem da Piauí sobre Marcius Melhem](#), August 25, 2021.

¹³⁰ Congresso em Foco, [Justiça manda retirar do ar matérias sobre imóveis da família Bolsonaro](#), September 23, 2022; O Globo, [André Mendonça suspende decisão que censurava reportagens sobre compra de imóveis da família Bolsonaro](#), September 23, 2022. Federal Supreme Court, [Fux suspende censura judicial a reportagem sobre recursos do BNDES para clube de tiro](#), September 30, 2022.

¹³¹ Repórter Brasil, [Justiça censura reportagem sobre comércio ilegal de ouro publicada na Repórter Brasil](#), July 19, 2021; Folha de São Paulo, [Justiça de Roraima censura reportagem sobre comércio ilegal de ouro extraído da Terra Indígena Yanomami](#), July 19, 2021; Congresso em Foco, [Reportagem sobre turismo clandestino na Amazônia sofre censura](#), July 20, 2022; Amazonia Real, [Censura à Amazônia Real completa três meses](#), October 25, 2022.

PERSONS OF AFRICAN DESCENT

17. Design, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information, regarding the human rights situation of persons of African descent at the various levels of the federation and in areas such as health, education, judicial institutions, and others, in order to create and implement intersectional laws and appropriate public policies for addressing needs and overcoming the specific hurdles those persons face.

18. Adopt special policies and affirmative actions to guarantee the enjoyment and exercise of the rights and fundamental freedoms of the persons or groups who are victims of racism, racial discrimination, and related intolerance, with a view to promoting equitable conditions for equal opportunities, and actions that foster the inclusion and advancement of those persons or groups. Affirmative actions should have a special focus on education and the labor market and be conducive not only to those persons' entry into the job market, but to their staying in it, as well.

19. Bolster policies to reduce crime that pursue a comprehensive and intersectional approach, addressing factors associated with ethnic/racial origin and which heighten the risk of violent death, including poverty, sexual orientation and identity, and/or gender expression.

119. With regard to recommendation 17 to **design, implement and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information, regarding the human rights situation of persons of African descent**, the State reported that as an action to strengthen the fight against racial discrimination and racism against the Afro-descendent population, on May 13, 2022, the National Council of the Public Prosecutor's Office (CNMP), through the Fundamental Rights Defense Committee, signed Decentralized Execution Document 01/2022 with the Institute of Applied Economic Research to research the ethnic/racial profile of the staff of Brazil's Public Prosecutor's Office; perform a diagnostic assessment of the implementation of affirmative actions, evaluating compliance with CNMP regulations on the policy of reserving vacancies for Black people in public tenders (CNMP Resolution 170/2017) and internships (CNMP Resolution 217/2020), an initiative that also includes an evaluation of the implementation of CNMP Recommendation 40/2016 on the creation of specialized bodies to promote ethnic/racial equality; include this issue in tender notices; and foster ongoing training on this issue.

120. The State also indicated that, with regard to the number and location of the offices of state public prosecutors specialized in the fight against racism and racial discrimination, on September 2, 2022, it sent an official letter to the state attorney generals to inquire about the existence of a specific institution to combat racism and request that an individual be appointed responsible. It added that, of the 30 units consulted, 24 indicated the individuals in charge of the agencies of the Public Prosecutor's Office working on the issue of combating racism; 2 stated that they do not have a specific body to address the issue; and the rest did not provide any information. The State also reported that although not all the units have specialized prosecutors, most do have entities active in the fight against racism (such as commissions, committees, coordination offices, core groups, etc.).¹³²

121. The Commission appreciates the information provided by the State on the actions it is taking with respect to the Public Prosecutor's Office. However, the Commission also observes that the State did not provide any specific information on actions taken to gather precise, disaggregated data and qualitative statistical information that would provide an account of the human rights situation of the Afro-descendent population. Such data is fundamental to establishing appropriate, comprehensive, and intersectional public policies and laws that will foster and guarantee the human rights of persons of African descent. Therefore, the IACHR considers compliance with this recommendation to be **pending**.

¹³² Brazil report to the IACHR, December 9, 2022, pars, 85-90, pp. 29-30.

122. To steer compliance with this recommendation, the Commission invites the State to formulate the policies necessary to collect data that will provide an overview of the status of the human rights situation for Afro-descendent communities as well as information on the subsequent implementation of measures designed to overcome the obstacles to guaranteeing their rights.

123. With regard to recommendation 18 to **adopt special policies and affirmative actions to guarantee the enjoyment and exercise of the rights and fundamental freedoms of the persons or groups who are victims of racism, racial discrimination, and related intolerance**, the State submitted the information detailed below.

124. On political participation, the State reported that the Ethnic/Racial Policies Monitoring Department of the MMFDH National Secretariat on Policies for Promoting Racial Equality (SNPIR) reported that 124,252,796 persons went to the polls in Brazil's October 2022 elections. In connection with these elections, the SNPIR, seeking to ensure equal treatment for Black candidates, submitted a query to the Superior Electoral Court (TSE), on the potential to: (i) ensure Black candidates receive a 50% share of the public funding and radio and television time allotted to candidates, in line with Brazilian demographics; (ii) reserve 30% of candidacies in each party for Black persons, in the terms of the gender quota established in Law 9504/1997; (iii) establish proportional campaign financing for Black candidates, allocating at least 30% of the total special campaign financing fund to them; (iv) ensure a minimum of 30% of free radio and television election advertising goes to Black candidates. In response, the TSE agreed to points (i), (iii), and (iv), and rejected point (ii).

125. On this issue, the State indicated that it was only recently in the 2014 elections that it had included color and race on the campaign registration form for open positions, and added that while in the 2018 elections, 46.56% of candidates considered themselves Black, in 2022, 49.57% did; furthermore, the percentage of Black individuals elected rose from 24.36% to 32%, for both men and women. The State therefore affirms that the data gathered from the TSE show, on a preliminary basis, that the changes to the funding system to proportionately base allocations on race and color, had a positive impact for self-declared Black candidates. However, it also indicated that the breach between the number of Black candidates and the number of Black individuals elected demonstrates the lingering challenge of ensuring egalitarian political representation for the Black population.¹³³

126. With regard to the labor market, the State indicated that in 2022, the Brazilian minimum wage was revised up by 10.02% and Auxílio Brasil, the main income-transfer program, created in December 2021, reached over 21 million families; 70% of the beneficiaries were people of African descent. The State also reported that the unemployment rate went down. However, an analysis of the IBGE's National Household Sample Survey data shows that while unemployment rates in the second quarter of 2022 were below the national average (9.3%) for white people (7.3%) and men (7.5%), they remained higher for women (11.6%) and Black and brown people (11.3% and 10.8%, respectively). The State indicated that these statistics challenge Brazil to bolster the inclusion of persons of African descent in the formal labor market and to foster their entrepreneurial spirit.¹³⁴

127. With regard to education, the State reported that in addition to Ministry of Education initiatives, the SNPIR had teamed up with the University for International Integration of the Afro-Brazilian Lusophony to promote ongoing training of primary-school teachers, pursuant to the law that includes Afro-Brazilian history and culture in the official education network curriculum, as part of the Racial Equality in Schools project. The State also provided financial assistance to students from traditional peoples and

¹³³ Brazil report to the IACHR, December 9, 2022, pars. 96-102, pp. 31-32.

¹³⁴ Brazil report to the IACHR, December 9, 2022, pars. 103-105, p. 32.

communities regularly enrolled at the Federal University of the Southern Border, through a scholarship to help them stay in school.¹³⁵

128. The State also reported that the focus on gender equality in the ethnic/racial policies reflects the SNPIR's concern over the issue, and mentioned the SNPIR and Bahía Federal Institute of Education, Science, and Technology joint Ialodês-Alianza project, which will provide psychosocial training, assistance, and follow-up for socially and economically vulnerable Afro-descendent and *quilombola* women, and will be executed in the municipalities of Laura de Freitas and Salvador, with an approximate investment of US\$85,656,05. The State indicated that the inclusion of women of African descent remains a significant challenge for Brazilian society, and that the necessary actions to address this issue include expanding access to day-care centers and education, and training them to exercise a profession.¹³⁶

129. Regarding the challenges, the State indicated that in the understanding of interculturalism as a concept that promotes policies and practices that foster interaction, comprehension, and respect among different cultures and ethnicities, the SNPIR faces the challenge of the prejudice that still persists in Brazilian society. As for good practices, the State mentioned its: (a) ratification of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance; (b) launch of a course on racial issues specifically for public security agents; (c) preparation and implementation in the near future of a course on racial equality and the prison system.¹³⁷

130. In turn, the Commission has observed with concern the persistence of violent police action against persons of African descent, especially during police raids in areas where this ethnic/racial group is concentrated, like the raids on Vila Cruzeiro on May 26, 2022, which killed at least 23 people,¹³⁸ and on Complexo do Alemão on July 21, 2022, which killed at least 18.¹³⁹ The IACHR condemned the death of Genivaldo de Jesús Santos, an Afro-descendant with a mental handicap, following a Federal Roads Police raid in Sergipe on May 25, 2022.¹⁴⁰ Furthermore, official sources indicate that in the first half of 2022, 610 complaints were filed against the crime of racism in Brazil. In the same period, 97 complaints were filed for racial insults. The highest number of both types of complaints were filed in the states of São Paulo, Rio de Janeiro, and Minas Gerais.¹⁴¹ The IACHR has also received information about the persecution and attacks on the lives and integrity of leaders and followers of African-derived religions in various states in the region, as well as about reports of the destruction of Afro-descendent communities' temples and sacred spaces.¹⁴²

131. The Commission welcomes the information on the affirmative actions and policies implemented. Given that according to the State the SNPIR is confronting the challenge of the prejudice that still exists in Brazilian society and considering the high levels of exclusion and inequality affecting the Afro-descendent population, which are manifested in all spheres of life (sociopolitical, economic, and cultural), the IACHR concludes that State compliance with this recommendation is **partial**.

132. With a view to guiding Brazil towards compliance, the IACHR calls on the State to strengthen the affirmative actions implemented to ensure they will help guarantee the enjoyment and exercise of the fundamental rights and liberties of the persons and groups victimized by racism, racial discrimination, and related intolerance.

¹³⁵ Brazil report to the IACHR, December 9, 2022, pars. 106-107, p. 32.

¹³⁶ Brazil report to the IACHR, December 9, 2022, pars. 108-111, pp. 31-32.

¹³⁷ Brazil report to the IACHR, December 9, 2022, pars. 112-113, p. 33.

¹³⁸ G1 Globo, *Operação da Vila Cruzeiro deixa 23 mortos, diz Polícia Civil*, May 26, 2022.

¹³⁹ Folha de S. Paulo, *Operações policiais, como a do Complexo do Alemão, são marketing de terror, diz especialista*, July 25, 2022.

¹⁴⁰ IACHR, Press release 120/22, *IACHR Condemns Police Violence Against Afro-descendant Persons in Brazil, Calls on State to Fight Racial Profiling*, June 1, 2022.

¹⁴¹ Ministry of Human Rights and Citizenship, *Cartilha reforça que o racismo é crime inafiançável no Brasil*, September 19, 2022.

¹⁴² ANF, *Relatora sobre os Direitos dos Afrodescendentes e contra a Discriminação Racial, Margarete May Macaulay, visita o Brasil*, July 27, 2022.

133. Regarding recommendation 19 to **bolster policies to reduce crime that pursue a comprehensive and intersectional approach, addressing factors associated with ethnic/racial origin and which heighten the risk of violent death, including poverty, sexual orientation and identity and/or gender expression**, the State reported, in the section on citizen security, that the Ministry of Justice and Public Security has acted on the pillar of citizen security, insofar as the aim of public security in Brazil is to reduce lethal violence. That said, it did not provide information specific to this recommendation.

134. In its Brazil report, the Commission expressed alarm over the high number of murders of persons of African descent in Brazil, which increased at a rate of 23.1% between 2006 and 2016, according to the information provided by the State.¹⁴³ This situation cannot be analyzed without taking into account the historical discrimination affecting the Afro-descendent population, as reiterated by the Commission and the United Nations High Commissioner for Human Rights, who stated that the “structural racism, discrimination, and violence that people of African descent faced in Brazil was documented by official data.”¹⁴⁴

135. Data from the Brazilian Yearbook of Public Security show that 77.6% of victims of intentional violent deaths are persons of African descent; this category includes the crimes of voluntary manslaughter and theft and bodily harm followed by death. Notably, 84% of victims of police murders are Afro-descendants. This percentage grew 5.8% in 2021, even though figures indicate that the total number of violent deaths caused by the police did drop. The majority of civilian and military police officers who are violently killed (67.7%) are persons of African descent, as are victims of femicide (62%).¹⁴⁵

136. As indicated, the number of violent crimes did drop, particularly in 2021, in which the 41,069 murders constituted a 7% reduction from the year before. However, this drop was not proportionate for people of African descent, and overall, the figures continue to be alarming. Furthermore, specialists attribute the drop to a combination of factors that do not include the pandemic but rather “the professionalization of the drug market, governments having greater control over criminals, easing of gang wars, public policies on security and social issues, such as the ones in Pernambuco, Espírito Santo, and Ceará, and fewer young people due to a demographic change,”¹⁴⁶ which together have driven the slight reduction in violent deaths, according to the Brazilian Forum on Public Security.¹⁴⁷

137. In press release 120/22 titled “IACHR Condemns Police Violence Against Afro-Descendant Persons in Brazil, Calls on State to Fight Racial Profiling,” cited above, the Commission pointed out the multiple, aggravated discrimination faced by Afro-descendent persons when their ethnic/racial background intersects with other factors, including disability and socioeconomic status, among others. It also reiterated its call on Brazil to prevent and eradicate institutional violence linked to racial discrimination patterns against persons of African descent, and in particular, to amend the protocols and guidelines applied by local, state, and federal institutions to expressly punish the use of racial profiling or other explicit or implicit discriminatory practices based on ethnic/racial criteria. Brazil is further asked to ensure timely and comprehensive reparation for victims, including effective judicial remedies, redress, guarantees of non-recurrence, and compensation.¹⁴⁸ On this point, the Commission reiterates that the free availability of weapons for the population is associated with increased violence. This problem reveals the lack of a human rights focus in the State’s design and implementation of citizen security policies.

¹⁴³ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II. Doc. 9, February 12, 2021, par. 28.

¹⁴⁴ OHCHR, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#), A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 8.

¹⁴⁵ Brazilian Yearbook of Public Security 2022, [A frágil redução das mortes violentas intencionais no Brasil](#), 2022; O Globo, [Silvio Almeida assume ministério dos Direitos Humanos prometendo ações para enfrentar homicídio de jovens, negros e pobres](#), January 3, 2023.

¹⁴⁶ El País, [Los asesinatos caen en Brasil al menor nivel en 15 años](#), February 21, 2022; Brazilian Yearbook of Public Security 2022, [A frágil redução das mortes violentas intencionais no Brasil](#), 2022.

¹⁴⁷ Brazilian Yearbook of Public Security 2022, [A frágil redução das mortes violentas intencionais no Brasil](#), 2022.

¹⁴⁸ IACHR, Press release [120/22 - IACHR Condemns Police Violence Against Afro-descendant Persons in Brazil, Calls on State to Fight Racial Profiling](#), Washington, D.C., June 1, 2022.

138. Furthermore, during the 185 Period of Sessions, the State itself recognized before the Commission that Brazil does have a problem with structural discrimination and violence against persons of African descent and that it will implement a number of preventive educational measures and public policies. Therefore, the IACHR considers compliance with this recommendation to be **pending**.

139. In order to foster compliance, the IACHR invites the State to report the policies it implements to further reduce crime with a comprehensive, intersectional approach that addresses ethnic/racial factors as well as other aspects that increase the risk of violent death, including, for example, poverty, sexual orientation, and gender identity, and to ensure that these policies are being developed with a comprehensive, intersectional approach that will facilitate progress on reducing crime.

INDIGENOUS PEOPLES AND TRADITIONAL *QUILOMBOLA* COMMUNITIES

20. Build the institutional capacities of the bodies responsible for drawing up social and territorial policies relating to indigenous and quilombola peoples, including the National Colonization and Agrarian Reform Institute (INCRA) and the National Foundation for the Indigenous (FUNAI), and endow them with both resources and financial execution capacity.

21. Mainstream an intercultural approach in government development policies that includes recognition and incorporation of the economic and social development plans pursued by indigenous peoples in their respective ancestral territories.

22. Adopt legislative, administrative, or other necessary measures to carry out, within a reasonable period of time, consultation with indigenous peoples and quilombola tribal communities to obtain their free, prior, and informed consent to policies, projects, and actions, including projects for the exploitation of natural resources that affect them, in accordance with international human rights standards and with the full participation of those peoples and communities. [Accordingly, take measures to incorporate the consultation and consent protocols executed by the indigenous and quilombola peoples.]

23. Revise the regulations governing the granting of environmental permits or licenses, in such a way as to guarantee that the State complies with its international obligations to consult indigenous and quilombola peoples to obtain their free, prior, and informed consent before taking steps that may impair their rights.

24. Adopt all necessary measures to implement or strengthen systems for oversight and control over exploration, extractive, and development activities in a manner consistent with international human rights obligations.

25. Guarantee access to justice and reparation for violations of the human rights of indigenous and quilombola peoples committed in connection with natural resource mining (extractive), exploration, and exploitation activities.

26. Investigate, punish, and make reparation for threats, attacks, and violence against members of indigenous and quilombola peoples perpetrated by State or private sector agents in connection with actions to defend the environment or in other contexts, including the “Caarapó Massacre” case and other cases mentioned in this Report.

27. Take resolute steps to put an end to the impunity surrounding human rights violations committed in connection with illegal businesses or activities against indigenous and quilombola peoples, by conducting exhaustive and independent investigations, ensuring that the perpetrators and instigators are punished, and making reparation to the individual and collective victims.

28. Adopt whatever measures are needed to revise and amend provisions, court orders, and guidelines (including the Timeframe and Suspension of Security [Marco Temporal e Suspensão da Segurança] thesis) that are incompatible with international standards and obligations regarding the rights of indigenous peoples to their lands, territories, and natural resources, as well as other human rights of indigenous peoples.

29. Expedite finalization of the application for delimitation, demarcation, and titling of the traditional lands and territories of indigenous and tribal peoples in accordance with applicable international human rights standards.

30. In consultation and coordination with the indigenous and tribal peoples, guarantee their right to health, based on an inter-cultural, gender, and intergenerational solidarity approach, taking into consideration traditional healing practices and medicines.

31. Strengthen measures to protect indigenous peoples living in voluntary isolation and in initial contact, while striving to protect their health, lifestyles, and territories. Based on the precaution principle, develop public policies and actions to guarantee the survival of these peoples.

140. The State did not provide information on recommendation 20 to **build the institutional capacities of the bodies responsible for drawing up social and territorial policies relating to indigenous and quilombola peoples.**

141. Since publication of its report on the situation of human rights in Brazil, the IACHR has continued to receive information on the grave circumstances resulting from the dismantling of the legal frameworks and institutions meant to ensure the rights of indigenous peoples. This information has included reports that the capacities of national agencies like the National Foundation for the Indigenous (FUNAI) and the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA) have been gradually diminished over the past few years and indigenous peoples have been left without services.¹⁴⁹ Several media outlets have expressed concern over the politicization of FUNAI, which has led to a failure to implement resolute institutional actions to protect indigenous peoples, especially the ones living in isolation.¹⁵⁰

142. The Commission has followed the situation of the Yanomami and Mundurucus indigenous peoples with great concern. It has also learned of an increase in violence; between September 3 and 13 alone, six indigenous persons from the Pataxó, Guarani Kaiowá, and Guajajara peoples were murdered in the states of Bahia, Mato Grosso do Sul, and Maranhão.¹⁵¹ Moreover, 176 indigenous persons were killed during the third year of the Bolsonaro administration.¹⁵²

143. Therefore, the IACHR considers compliance with this recommendation to be **pending**.

144. To steer the State towards complying with the recommendation, the Commission invites it to adopt specific measures designed to curb the dismantling of the institutions associated with indigenous and quilombola peoples and the regulatory provisions governing them, and to strengthen and ensure the long-term continuity and stability of those institutions. These measures could consist, for example, of institution-building actions and public policies geared towards this objective.

145. With respect to recommendation 21 to **mainstream an intercultural approach in government development policies that includes recognition and incorporation of the economic and social development plans pursued by indigenous peoples**, the IACHR takes note of the information provided by the State on projects executed by the SNPIR to promote entrepreneurship and family farming in traditional communities.¹⁵³ Nevertheless, the IACHR also observed the weakening of the policies for serving indigenous peoples, due to budget cuts, as explained above in the section on recommendation 1(b) on the institutional underpinning of human rights.

¹⁴⁹ IACHR, [Hearing on the situation of the human rights of indigenous peoples in Brazil](#), 185 Period of Sessions, October 26, 2022.

¹⁵⁰ eCycle, [Politização da Funai coloca em risco grupos indígenas não contatados do Brasil](#), February 17, 2022; O joio e o trigo, [Há mais de um ano, Funai se omite em proteger indígenas isolados localizados na Amazônia](#), November 29, 2022.

¹⁵¹ Folha de S. Paulo, [Indígenas denunciam escalada da violência e pedem proteção](#), September 22, 2022; Brasil de Fato, [Sete mortes em dez dias: violência contra indígenas dispara no Brasil](#), September 15, 2022.

¹⁵² Brasil de Fato, [Durante o terceiro ano de mandato de Bolsonaro, 176 indígenas foram assassinados no Brasil](#), August 17, 2022.

¹⁵³ Brazil report to the IACHR, December 9, 2022, par. 114, p. 33.

146. Consequently, the IACHR considers compliance with this recommendation to be **pending**.

147. For the State to make progress on implementing this recommendation, the IACHR needs to receive information about how the programs mentioned by the State recognize and incorporate the indigenous peoples' own priorities and plans for their economic and social development from a human rights approach that includes consideration of the right to self-determination.

148. According to the IACHR, the State's report does not include information on measures implemented for compliance with recommendation 22 to **adopt the necessary measures to carry out consultation with indigenous peoples and quilombola tribal communities to obtain their consent, with their full participation**.

149. The IACHR recalls that, in September 2021, the IACHR expressed its concern over various bills that could constitute setbacks for the human rights of indigenous peoples in Brazil, by allowing or easing the requirements for mining, energy, and other projects on indigenous lands; restricting the demarcation of indigenous lands; and even disregarding International Labour Organization Convention 169 on Indigenous and Tribal Peoples, among other issues.¹⁵⁴ At the IACHR 185 Period of Sessions, indigenous peoples' and civil society organizations once again voiced their concern over these bills, as well as about the intensification of attacks on indigenous peoples and their territorial rights.¹⁵⁵

150. Consequently, the IACHR considers compliance with this recommendation to be **pending**.

151. For the State to comply with this recommendation, it would need it to provide information on the measures adopted to implement the right to consultation, given the information the IACHR has continued to receive on bills and other measures that would adversely impact the rights of indigenous peoples, about which they have not been duly consulted. The IACHR would also need to receive information about the measures taken to incorporate the consultation and consent protocols executed by the indigenous peoples. The Commission recalls that execution of these consultation protocols and other similar initiatives is based on the right of indigenous and tribal peoples to decide how they wish to exercise ownership of their rights, in connection with their own self-determination.¹⁵⁶ Therefore, the State must take these types of proposals and initiatives into account as part of a broader, more inclusive dialogue with these peoples, in connection with the implementation of consultations and free, prior, and informed consent.

The IACHR did not receive any information from the State on implementation of recommendation 23 to **revise the regulations governing the granting of environmental permits or licenses**.

152. As noted above, the IACHR has received information on bills that would modify the environmental licensing process to facilitate various economic activities on indigenous lands, and for which no consultations were held. The IACHR learned of the publication of a normative instruction signed by IBAMA and FUNAI in December 2022 that allows logging on indigenous lands by indigenous organizations as well as nonindigenous persons through mixed organizations.¹⁵⁷ This measure has been criticized as it was not consulted with the representative authorities of the impacted indigenous peoples and because it disregards the traditional ways in which they manage their territories.¹⁵⁸ Furthermore, allowing entities formed by

¹⁵⁴ IACHR, Press release 236/21 - [IACHR Expresses Concern over Bills That Could Constitute Setbacks for the Human Rights of Indigenous Peoples in Brazil](#), September 9, 2021.

¹⁵⁵ IACHR, [Hearing on the situation of the human rights of indigenous peoples in Brazil](#), 185 Period of Sessions, October 26, 2022.

¹⁵⁶ IACHR, [Derecho a la libre determinación de los Pueblos Indígenas y Tribales](#), OEA/Ser.L/V/II, Doc. 413 (2021), par. 178. [Executive summary](#) available in English.

¹⁵⁷ Globo, [No fim do mandato, Bolsonaro libera exploração de madeira em terras indígenas, inclusive por não indígenas](#), December 16, 2022; UOL, [Em fim de mandato, Bolsonaro libera exploração de florestas em terras indígenas](#), December 16, 2022.

¹⁵⁸ Globo, [No fim do mandato, Bolsonaro libera exploração de madeira em terras indígenas, inclusive por não indígenas](#), December 16, 2022; UOL, [Em fim de mandato, Bolsonaro libera exploração de florestas em terras indígenas](#), December 16, 2022.

nonindigenous people to manage the forest on indigenous lands would violate the indigenous peoples' exclusive use of the soils, rivers, and lakes on their lands provided for in the Constitution.¹⁵⁹

Consequently, the IACHR considers compliance with this recommendation to be **pending**.

153. To guide the State's compliance with this recommendation and given the concerns over the increase in logging and deforestation on indigenous lands, the IACHR needs to receive information on whether this measure and other similar ones were duly consulted with the indigenous peoples to obtain their free, prior, and informed consent pursuant to international and inter-American standards. The Commission likewise suggests that in order for it to determine the State's level of compliance with this recommendation, it must receive information on how environmental-licensing regulations that impact indigenous peoples' rights have been reviewed to ensure they adhere to international obligations and standards on consultation and consent, before they are adopted.

154. The IACHR has not received specific information from the State on implementation of recommendation 24 to **adopt all necessary measures to implement or strengthen systems for oversight and control over exploration, extractive, and development activities**.

155. The IACHR remains concerned about the reported social, cultural, and environmental impacts of several mining, hydropower, and other types of projects that have affected indigenous territories, as reflected in the Brazil report.¹⁶⁰

156. Given the lack of specific implementation measures, the IACHR considers compliance with this recommendation to be **pending**.

157. With a view to steering the State towards compliance with this recommendation, the IACHR considers it important for the State to send specific information on the systems for overseeing and controlling these types of activities, the outcomes obtained with these systems, and their usefulness in safeguarding the human rights of the indigenous peoples affected by these activities.

158. With regard to recommendation 25 to **guarantee access to justice and reparation for human rights violations committed in connection with natural resource exploitation activities**, the IACHR takes note of the lack of information provided by the State. The IACHR reiterates its concern about the impact of these activities on the rights of indigenous peoples and on their lands, territories, natural resources, cultures, and sacred sites, and about the threats to their lives and integrity derived from the social unrest caused by these activities.¹⁶¹

159. Given the lack of information provided on compliance measures, the IACHR considers compliance with this recommendation to be **pending**.

160. To steer compliance with this recommendation, the IACHR invites the State to provide information on cases filed by the affected peoples in connection with these activities, on the actions taken by State agencies to respond to these complaints and cases, and on the outcomes of those actions.

161. With regard to recommendation 26 to **investigate, punish, and make reparation for threats, attacks, and violence against indigenous peoples perpetrated by State or private sector agents**, the IACHR notes that it has not received information from the State on the investigations into the cases

¹⁵⁹ [Constitution of Brazil, 1988](#), with amendments up to 2017, Article 231(2).

¹⁶⁰ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II. Doc. 9, February 12, 2021, pars. 74-79.

¹⁶¹ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II. Doc. 9, February 12, 2021, pars. 74-79.

mentioned in the report. The IACHR remains especially concerned about the threats and violence faced by indigenous peoples when they defend the environment or make territorial claims.

162. In 2022, the IACHR spoke out about acts of violence perpetrated against several indigenous peoples, including the armed attacks mounted in June 2022 by military police officers and civilians against two Guaraní and Kaiowá indigenous communities in Mato Grosso do Sul.¹⁶² Both of these attacks took place in the course of processes to evict indigenous persons from land these communities claim as ancestral. The raids killed one indigenous person and injured more than ten, women and children among them.¹⁶³ Furthermore, two members of the Guaraní Kaiowá community of Guapoy were murdered between July and September 2022. In response to a request for precautionary measures due to these acts, the State explained the measures taken by the military, civilian, and federal police forces, the Public Prosecutor's Office, and other government agencies to protect and support the indigenous persons proposed as beneficiaries. Even so, and since the violence increased, the IACHR granted precautionary measures to protect the lives and ensure humane treatment of the members of the community.¹⁶⁴

163. According to public information, nine members of the Guarani Kaiowá, Guajajara, Pataxó, and Turiwara indigenous peoples were violently killed in September 2022, in the states of Mato Grosso do Sul, Maranhão, Bahía, and Pará. This increase in violence took place in the context of Brazil's general elections and may have been connected with economic interests in the ancestral lands and territories claimed by the indigenous peoples.¹⁶⁵

164. Consequently, the IACHR considers compliance with this recommendation to be **pending**.

165. To steer compliance with this recommendation, the IACHR needs the State to provide information on the measures it has adopted to investigate, punish, and make reparations for these types of acts, as well as on the outcomes of those actions over time.

166. The IACHR did not receive information on recommendation 27 to **take actions to put an end to impunity surrounding human rights violations committed against indigenous peoples**. Therefore, it needs the State to provide information on the actions it has taken to end impunity for these illegal activities, and specifically, on the measures it has implemented to investigate, punish, and make reparation for these types of acts, and the outcomes of those measures over time.

167. The IACHR is concerned about the repeated invasions of indigenous territories for illegal mining activities, the ensuing acts of violence against indigenous peoples, and the distinct impacts on indigenous women and children. In May 2022, the IACHR spoke out about the information reported publicly on crimes committed against Yanomami girls and boys in an attack by illegal miners on the Yanomami community in Aracaçá, and urged the State to protect the Yanomami people and investigate the events.¹⁶⁶ According to the information provided by the State on these acts, FUNAI has worked on site with support from the Federal Police, and state teams provided additional security services to the Aracaçá community.¹⁶⁷

¹⁶² IACHR, [Press release 161/22. IACHR and OHCHR Demand Protection from Violence for Brazil's Indigenous Peoples](#), July 15, 2022.

¹⁶³ IACHR, [Press release 161/22. IACHR and OHCHR Demand Protection from Violence for Brazil's Indigenous Peoples](#), July 15, 2022.

¹⁶⁴ IACHR, [Press release 227/22. IACHR Grants Precautionary Measures in favor of the Guapoy Community of the Kaiowá Guaraní Indigenous People in Brazil](#), October 12, 2022.

¹⁶⁵ Folha de S. Paulo, [A cada 3 dias, 1 indígena morreu de forma violenta em setembro](#), October 3, 2022.

¹⁶⁶ IACHR, [Press release 110/22. IACHR Urges State of Brazil to Protect Children of the Yanomami People Who Are Victims of Violence](#), May 23, 2022.

¹⁶⁷ IACHR, [Press release 110/22. IACHR Urges State of Brazil to Protect Children of the Yanomami People Who Are Victims of Violence](#), May 23, 2022.

168. The IACHR appreciates the actions taken by State agencies in response to the situation in Aracaçá. However, it needs updated information on the outcomes of the investigations in this case. It also needs more information about the measures adopted to address the human rights violations resulting from illegal activities in the indigenous territories. The IACHR reiterates its concern over the situation of areas like the Yanomami, where in 2021 illegal mining expanded by 46% compared to 2020 and mining camps grew 3.25% between 2016 and 2021.¹⁶⁸

169. Due to the foregoing, and to the grave infringements of indigenous peoples' rights as a result of illegal mining, deforestation, the loss of their ancestral territories, increased violence around their settlements, the killing of their populations, violence against indigenous women and girls, and impunity in these cases of human rights violations, the IACHR considers State compliance with this recommendation to be **pending**.

170. To move towards compliance with this recommendation, the State must inform the Commission of the measures adopted to put an end to the impunity for human rights violations committed against indigenous peoples. These measures could involve, for example, coordinated strategies for investigating this issue, to make coordinated progress on these cases.

171. The IACHR did not receive updated information from the State on recommendation 28 to **revise and amend provisions, court orders, and guidelines including the timeframe thesis, that are incompatible with the rights of indigenous peoples**.

172. The timeframe or "temporal landmark" thesis continues to be very concerning, as reflected in the country report,¹⁶⁹ the IACHR press release published in August 2021,¹⁷⁰ and the hearing on the human rights situation of the indigenous peoples in Brazil during the 185 Period of Sessions.¹⁷¹ According to the available information, in June 2022, the Federal Supreme Court suspended resumption of the case before it on the Xokleng people's territorial claim, which will serve as a precedent for deciding hundreds of land demarcation lawsuits and the applicability of the temporal landmark thesis, without setting a new date for the proceedings.¹⁷²

Consequently, the IACHR considers compliance with this recommendation to be **pending**.

173. To steer compliance with this recommendation, the IACHR reiterates its call to the State, and in particular to the Federal Supreme Court, to adopt the measures necessary to revise and amend provisions in court orders and guidelines, such as the temporal landmark thesis, to ensure they adhere to international obligations and standards on the human rights of indigenous and tribal peoples.¹⁷³

174. With regard to recommendation 29 to **expedite finalization of the application for delimitation, demarcation, and titling of the lands and territories of indigenous and tribal peoples**, the IACHR takes note of the information provided by the State indicating that in 2021, the CNMP approved a resolution made on the Public Prosecutor's Office's extrajudicial actions with traditional peoples and communities. This resolution establishes that the Public Prosecutor's Office must adopt the measures necessary to ensure that the cases are analyzed, and the rights of indigenous peoples recognized based on an

¹⁶⁸ Instituto Socioambiental, [Yanomami bajo ataque](#), April 11, 2022.

¹⁶⁹ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II. Doc. 9, February 12, 2021, pars. 65-67.

¹⁷⁰ IACHR, Press release [219/21 - IACHR Stresses Concern About Brazilian "Temporal Landmark" Thesis and Its Impact on the Human Rights of Indigenous and Tribal Peoples](#), August 23, 2021.

¹⁷¹ IACHR, [Hearing on the situation of the human rights of indigenous peoples in Brazil](#), 185 Period of Sessions, October 26, 2022.

¹⁷² Conexão Planeta, [STF suspende a retomada do julgamento sobre o marco temporal para a demarcação de terras indígenas](#), June 3, 2022; IACHR, [Hearing on the situation of the human rights of indigenous peoples in Brazil](#), 185 Period of Sessions, October 26, 2022.

¹⁷³ IACHR, Press release [219/21 - IACHR Stresses Concern About Brazilian "Temporal Landmark" Thesis and Its Impact on the Human Rights of Indigenous and Tribal Peoples](#), August 23, 2021.

intercultural understanding rather than restricted to the criteria of the civil property and ownership systems.¹⁷⁴

175. The Commission also learned about the regressive measures adopted by FUNAI, such as the legislation that allowed farmers to occupy indigenous territories throughout the country. The Agência Pública nonprofit investigative journalism agency confirmed 239,000 hectares of farms had been registered within indigenous areas; most of the territories affected by FUNAI regulations—around 138,000 hectares of land—are located in Maranhão.¹⁷⁵

176. The IACHR has continued to receive information about the lack of progress on the demarcation of indigenous lands, as since 2019 no indigenous lands have been demarcated and around 109 land areas remain in the initial study stage.¹⁷⁶ It also takes note of the consequences of the State's failure to effectively guarantee and protect indigenous lands and territories. In addition, it observes the information published in 2022 by the Indigenous Missionary Council (CIMI), which indicated that in 2021, 309 cases of invasion of indigenous lands, exploitation of resources, and damage to assets were registered, and they affected 226 indigenous lands in 22 states of the country, almost three times more than the area affected in 2018 when 109 cases were registered.¹⁷⁷

177. Given the lack of specific implementation measures, the IACHR considers compliance with this recommendation to be **pending**.

178. With a view to steering compliance with this recommendation, the IACHR indicates that it needs to receive up-to-date information from the State on the measures adopted to streamline decisions on the pending applications for delimitation, demarcation, and titling of indigenous lands. As reflected in the IACHR report on Brazil, there are currently 847 indigenous territories with cases that remain to be settled by the State before property titles can be granted.¹⁷⁸

179. With regard to recommendation 30 to **guarantee the right to health, based on an inter-cultural, gender, and intergenerational solidarity approach**, the IACHR takes note of the information provided by the State on several technical-cooperation agreements among the SNPIR, the Ministry of Health, and academic institutions to promote equity in health for vulnerable populations and train health professionals who treat indigenous and *quilombola* populations.¹⁷⁹

180. The IACHR strongly condemns the fact that, according to available sources, 99 Yanomami children died in 2022 due to the advancement of illegal mining in the Roraima region; these boys and girls were between one and four years old and most were malnourished and suffered from pneumonia and digestive problems.¹⁸⁰ On this point, it is important to underscore the differentiated impact of the COVID-19 pandemic on the health and survival of indigenous peoples, who suffered proportionately more infections with the new coronavirus variants than Brazil's general population. This difference, which could have disappeared with the arrival of the vaccine, instead remained due to their vulnerability.¹⁸¹

181. Consequently, the IACHR considers compliance with this recommendation to be **pending**.

¹⁷⁴ Brazil report to the IACHR, December 9, 2022, par. 32, p. 12.

¹⁷⁵ Unisinos Humanities Institute, [Governo Bolsonaro certificou 239 mil hectares de fazendas dentro de áreas indígenas](#), July 26, 2022.

¹⁷⁶ IACHR, [Hearing on the situation of the human rights of indigenous peoples in Brazil](#), 185 Period of Sessions, October 26, 2022.

¹⁷⁷ CIMI, [Report: Violation against Indigenous Peoples in Brazil: Data 2021. Executive Summary](#), 2022, p. 2.

¹⁷⁸ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II. Doc. 9, February 12, 2021, par. 63.

¹⁷⁹ Brazil report to the IACHR, December 9, 2022, pars. 115 and 118, p. 34.

¹⁸⁰ Correio Brasiliense, [99 crianças Yanomami morreram em 2.022 diz Ministério dos Povos Indígenas](#), January 21, 2023.

¹⁸¹ Indigenous Research and Training Institute, [Indígenas foram mais infectados pela covid-19 e tiveram menor cobertura vacinal](#), July 26, 2022.

182. To steer compliance with this recommendation, the IACHR needs information on how government health programs have helped close gaps in health coverage for indigenous peoples, and on the efforts made by the State to consult and coordinate with indigenous peoples on the design and execution of public policies, programs, and other measures adopted to guarantee their right to health, and to ensure inclusion of an intercultural, gender, and intergenerational solidarity approach.

183. The IACHR did not receive up-to-date information from the State on recommendation 31 to **strengthen measures to protect indigenous peoples living in voluntary isolation and in initial contact.**

184. The IACHR has continued to receive information on the extreme vulnerability of these peoples resulting from the presence of external persons and activities, including illegal mining and logging, in the territories where they live, and on the effects thereof on their physical and cultural survival and on their heightened risk of infection with illnesses, including COVID-19.¹⁸² According to civil society figures, documented invasions of indigenous lands over the past few years have affected at least 28 indigenous lands where around 53 of the 117 registered isolated indigenous peoples in Brazil have a presence.¹⁸³

185. The IACHR also takes note of public information on FUNAI's inadequate response towards adopting resolute measures to protect these peoples. According to the information, several letters sent to FUNAI's national headquarters requesting the adoption of measures to protect isolated peoples received delayed responses or no responses at all.¹⁸⁴ Furthermore, for over a year FUNAI has not responded nor adopted the protective measures necessary for the isolated indigenous people in Mamorí Grande recently identified in July 2021 by the staff of the Ethno-environmental Protection Front in the Purús River region in the Amazon.¹⁸⁵

186. Consequently, the IACHR considers compliance with this recommendation to be **pending.**

187. To steer compliance with this recommendation, the Commission invites the State to provide up-to-date information on the public policies and other measures adopted to guarantee the physical and cultural survival of indigenous peoples in voluntary isolation or initial contact.

WOMEN

32. Prevent and condemn all forms of violence and discrimination against women and girls, including refraining from any gender-based violent or discriminatory act or practice, and guaranteeing that all public servants, including authorities, agents, and institutions abide by this obligation.

33. Implement and reinforce measures with a gender perspective to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women, including concrete efforts to comply with the obligations to prevent, investigate, punish, and make reparation for violations of the human rights of women and girls. This includes training and monitoring the authorities responsible for the investigation, including health services and judicial bodies.

34. Investigate, try, and punish—with a gender perspective and as a priority—violations of the human rights of women and girls, especially femicides of trans women. Likewise, investigate with due diligence acts of violence against female human rights defenders and other groups at special risk mentioned in this Report.

¹⁸² IACHR, [Hearing on the situation of the human rights of indigenous peoples in Brazil](#), 185 Period of Sessions, October 26, 2022.

¹⁸³ CIMI, [Report: Violation against Indigenous Peoples in Brazil: Data 2021. Executive Summary](#), 2022, p. 4.

¹⁸⁴ eCycle, [Política da Funai coloca em risco grupos indígenas não contatados do Brasil](#), February 17, 2022; O joio e o trigo, [Há mais de um ano, Funai se omite em proteger indígenas isolados localizados na Amazônia](#), November 29, 2022.

¹⁸⁵ O joio e o trigo, [Há mais de um ano, Funai se omite em proteger indígenas isolados localizados na Amazônia](#), November 29, 2022.

35. Strengthen the institutional capacity of judicial bodies, such as the Public Prosecutor's Office (Ministério Público), police agencies, courts, and legal and forensic medicine units, by endowing them with financial, human, and training resources to enable them to fight the pattern of impunity surrounding proceedings relating to violence against women. In addition, step up enforcement of punishments and make headway with reparation projects through effective criminal investigations that avoid re-victimization and are subject to proper judicial monitoring.
36. Implement protocols with a gender perspective for crimes involving violence against women and develop transparent processes for overseeing their correct implementation.
37. Plan, develop, and implement educational initiatives, programs, and policies, from the formative, initial stages onwards, for all citizens, including children, addressing gender-based discrimination, with a view to getting rid of stereotypes about the inferiority of women and girls, promoting their rights to be free from violence and discrimination, advancing gender equality, and guaranteeing respect for the rights of all persons.
38. Draft and implement culturally appropriate policies, with the participation of indigenous, quilombola, and traditional community women and girls, and applying an integral and holistic approach, for preventing, investigating, prosecuting, and making reparation for acts of violence and discrimination against them.
39. Adopt comprehensive measures to respect and guarantee women's rights to sexual and reproductive health by, inter alia, reinforcing the availability and ongoing supply of essential services. In particular, guarantee access to high-quality maternal health care; safe access to contraception methods, including emergency contraception; voluntary interruption of pregnancy, when applicable, and access to true, uncensored information, in addition to the comprehensive education needed for women and girls to be able to take free and autonomous decisions.

188. With regard to recommendation 32 to **prevent and condemn all forms of violence and discrimination against women and girls, including refraining from any gender-based violent or discriminatory act or practice, and guaranteeing that all public servants, including authorities, agents, and institutions abide by this obligation**, the State reported various measures adopted to fulfill the provisions of the Maria da Penha Law.

189. Of note among the measures implemented after 2021 are Law 14,488/22 which institutes August as a month dedicated to raising awareness to end violence against women (*Agosto Lilás* [Purple August]),¹⁸⁶ and Law 14,232/21, which establishes the National Data and Information Policy on Violence against Women (PNAINFO).¹⁸⁷ With regard to the latter, the State reported that the National Registry of Cases of Domestic and Family Violence against Women Steering Committee is updating its classification system to comply with PNAINFO guidelines and the provisions set forth in paragraph 193 of the Inter-American Court of Human Rights judgment in the case of *Barbosa de Souza et al. v. Brazil*, especially with regard to reincorporating excluded variables on victims and aggressors, and including others.¹⁸⁸

190. The State also reported its approval of Law 14,188/21,¹⁸⁹ which establishes the *Sinal Vermelho* [Red Light] cooperation program as one of the measures to combat violence envisioned in the Maria da Penha Law and criminalizes psychological violence against women;¹⁹⁰ as well as Law 14,132/21,¹⁹¹ which criminalizes harassment and increases the penalty for this offense when it is committed against a woman, among other factors. The State also indicated that these laws are designed to raise the standard of what

¹⁸⁶ Office of the President of the Republic. [Law 14,448 of September 9, 2022](#), September 9, 2022.

¹⁸⁷ Office of the President of the Republic. [Law 14,232 of October 28, 2021](#), October 28, 2021.

¹⁸⁸ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, pars. 34, 36.

¹⁸⁹ Office of the President of the Republic. [Law 14,188 of July 28, 2021](#), July 28, 2021.

¹⁹⁰ The Commission saluted this law in its [Annual Report 2021, Chapter IV.A - Brazil](#), par. 189.

¹⁹¹ Office of the President of the Republic. [Law 14,132 of March 31, 2021](#), March 31, 2021.

the justice system considers to be violence against women.¹⁹² Along the same lines, the IACHR takes note of the State's approval of Law 14,192/21, which establishes regulations to prevent, eradicate, and combat political violence against women.¹⁹³

191. In its national report to the Human Rights Council under the fourth Universal Periodic Review cycle, the State reported that the National Plan to Combat Femicide¹⁹⁴ contains measures to prevent and combat the violent deaths of women on account of their gender; these measures consider factors that increase women's level of risk, like their ethnic/racial origin, age, economic status, disability, etc.¹⁹⁵ The State indicated that it will invest approximately US\$150 million in the plan by 2023. It also reported its expansion of the Brazilian Women's House, which offers specialized psychosocial support, legal advisory services, and counseling to foster victims' economic independence.¹⁹⁶ In turn, the IACHR noted the approval of Laws 14,330/22¹⁹⁷ and 14,316/22,¹⁹⁸ which include the National Plan to Prevent and Combat Violence against Women as an instrument for implementing the National Policy on Public Security and Social Advocacy and allocate specific funds from the National Public Security Fund to combat violence against women.

192. On the other hand, the IACHR warns that Brazil's alarming figures on violence against women persist, especially for femicides, sexual violence, and domestic violence. The majority of victims are women of African descent, young women, and/or poor women.¹⁹⁹ According to data from the Brazilian Forum on Public Security, compared to the first half of 2021, in the first half of 2022, registered femicides increased by 3.2%, with 699 victims;²⁰⁰ and registered rapes of women and persons unable to give consent increased by 12.5%, for a total of 29,285 victims, of which most are women and girls of African descent.²⁰¹ In the same period, the Office of the National Ombudsperson for Human Rights registered over 31,000 reports of domestic or family violence against women.²⁰²

193. The IACHR also takes note of the increase in violence against women candidates and women in popularly elected offices, especially trans women of African descent.²⁰³ This leads to women's low levels of participation in politics and in other spheres like the judicial branch, where they remain a minority.²⁰⁴

194. Furthermore, according to information gathered by the United Nations team in 2021, as observed in the recommendations on the institutional underpinning of human rights, the budget of the Ministry

¹⁹² Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, par. 16.

¹⁹³ The Commission saluted this law in its [Annual Report 2021, Chapter IV.A - Brazil](#), par. 189; Office of the President of the Republic. [Law 14,192, of August 4, 2021](#), August 4, 2021.

¹⁹⁴ Office of the President of the Republic. [Decree 10,906 of December 20, 2021](#), December 20, 2021.

¹⁹⁵ Human Rights Council. [National report submitted to the Working Group on the Universal Period Review on Brazil](#). A/HRC/WG.6/41/BRA/1, 1 September 2022, pars. 19 and 56.

¹⁹⁶ Human Rights Council. [National report submitted to the Working Group on the Universal Period Review on Brazil](#). A/HRC/WG.6/41/BRA/1, 1 September 2022, par. 57.

¹⁹⁷ Office of the President of the Republic. [Law 14,330 of May 4, 2022](#), May 4, 2022.

¹⁹⁸ Office of the President of the Republic. [Law 14,316 of March 29, 2022](#), March 29, 2022.

¹⁹⁹ The Commission has observed consistently high rates of femicide and sexual, domestic, and political violence against women in Brazil. See: IACHR. [Situation of human rights in Brazil](#), February 12, 2021, par. 528; IACHR. [Annual Report 2020, Chapter IV.A-Brazil](#), par. 165; IACHR. [Annual Report 2021, Chapter IV.A - Brazil](#), par. 190. See also: OHCHR. [Summary of stakeholders' submissions on Brazil](#). A/HRC/WG.6/41/BRA/3, 31 August 2022, par. 59.

²⁰⁰ Brazilian Forum on Public Security. [Violência contra meninas e mulheres no 1º semestre de 2022](#), 2022, p. 2.

²⁰¹ Brazilian Forum on Public Security. [Violência contra meninas e mulheres no 1º semestre de 2022](#), 2022, pp. 9, 10.

²⁰² Ministry of Human Rights and Citizenship. [Brasil tem mais de 31 mil denúncias de violência doméstica ou familiar contra as mulheres até julho de 2022](#), August 8, 2022.

²⁰³ Black Women's Coalition for Rights, ARTIGO 19, et al. [Anexo ao pedido de audiência temática sobre a falta de medidas que assegurem às mulheres negras, transexuais e travestis a participação na disputa eleitoral em condições de igualdade e os ataques antidemocráticos compreendidos como violência política virtual e desinformação](#), IACHR 185 Period of Sessions, August 15, 2022; United Nations Human Rights Special Procedures. [Brasil: Especialista da ONU denuncia erosão da democracia, e fala da urgência de espaços seguros para a sociedade civil](#), April 11, 2022; PSOL. [Benny Briolly, vereadora do PSOL em Niterói \(RJ\), mais uma vez é ameaçada de morte](#), January 26, 2022.

²⁰⁴ OHCHR. [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#). A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 29.

of Women, the Family, and Human Rights was massively reduced, and policies for women were cut by 51.8%.²⁰⁵ Subsequently, in 2022, the budget allocated to addressing violence against women and maintaining the services provided by the Brazilian Women's House shrank to its lowest point in the past four years.²⁰⁶ In addition, there were challenges to implementation of the National Plan to Combat Femicide²⁰⁷ and the PNAINFO. Specifically, the IACHR took note of the State's difficulties in producing national statistical data and information on violence against women, due to the concepts of femicide and domestic violence adopted in the country's laws;²⁰⁸ as well as of the shortcomings in the systematization and periodic publication of gender-violence statistics.²⁰⁹

195. The Commission recognizes and appreciates the State's efforts to prevent gender violence against women and girls. It particularly notes the measures that expand the country's regulatory framework for protection; link combating violence against women to the public security policy; and allocate specific resources to the issue, specifically to preventing and combating femicide. These efforts reflect the State's fight against and rejection of diverse forms of violence against women and girls. The measures designed to fulfill the Maria da Penha Law and the decisions made by the Inter-American Court of Human Rights are also noteworthy.

196. Nevertheless, the Commission warns that the grave gender-violence situation identified in the country report persists, specifically with regard to femicides and sexual, domestic, and political violence. Likewise, it is concerned about the indications of budget cuts and shortcomings in the production, systematization, and publication of statistical data that hamper proper implementation of the national policies to prevent and combat gender-based violence against women and girls. Furthermore, the IACHR observes that the State did not provide information on measures adopted to prevent gender-based discrimination, nor to ensure that public institutions and civil servants adhere to these obligations. The IACHR indicates that information on existing disciplinary processes would be relevant to evaluate the respective compliance. Given the foregoing considerations, the Commission finds that compliance with this recommendation is **partial**.

197. To guide the State towards complying with the recommendation, the Commission invites it to ensure that the implemented measures do in fact address and decrease gender violence. Likewise, the Commission calls on the State to provide information on the measures designed to prevent gender-based discrimination and to ensure that public servants adhere to human rights standards.

198. In connection with the recommendation to **implement and reinforce measures with a gender perspective to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women and girls**, the State reported various measures enacted for compliance with the recommendations issued by the IACHR in the Maria da Penha case,²¹⁰ as well as to improve implementation of that law. These measures are relevant to the analysis of this recommendation.

199. Along these lines, the State reported that, through CNMP recommendation 80,²¹¹ it created the cycle of dialogue on the Maria da Penha Law under the Public Prosecutor's Office, to evaluate the legislative advancements made and aspects to be improved in preventing and combating violence against women.²¹² The State indicated that the first dialogue, held in August of 2022, studied the Maria da Penha case, evaluated the

²⁰⁵ OHCHR. [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#). A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 52; OHCHR. [Summary of stakeholders' submissions on Brazil](#), A/HRC/WG.6/41/BRA/3, 31 August 2022, par. 58.

²⁰⁶ Institute for Socioeconomic Studies (INESC). [Nota técnica: análise do orçamento das políticas públicas para as mulheres – 2019 a 2021](#), 2022.

²⁰⁷ Brazilian Forum on Public Security. [Violência contra meninas e mulheres no 1º semestre de 2022](#), 2022, pp. 7-8.

²⁰⁸ OHCHR. [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#). A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 52.

²⁰⁹ Brazilian Forum on Public Security. [Violência contra meninas e mulheres no 1º semestre de 2022](#), 2022, pp. 7-8.

²¹⁰ IACHR. [Report No. 54/01, Case 12.051 Maria Da Penha Maia Fernandes \(Brazil\)](#), April 16, 2001.

²¹¹ National Council of the Public Prosecutor's Office. [Recomendação No. 89](#), January 27, 2022.

²¹² Brazil report to the IACHR, December 9, 2022, par. 31.

slow processing thereof, and proposed specific measures to improve the justice system.²¹³ The State also reported that it is creating an interagency group to study the Maria da Penha case, with the aims of analyzing the errors in the process that entail personal responsibility and comparing the prior and current status of the national judicial branch, among others.²¹⁴ The State also indicated that the national guidelines for criminal investigation with a gender perspective were recently edited and include practical aspects on action by police officers and agents of the Public Prosecutor's Office.²¹⁵

200. The State also reported on actions taken to improve implementation of judicial branch protective measures. It indicated that it had evaluated the implementation of the Maria da Penha Law emergency protection measures.²¹⁶ The National Justice Council also issued recommendations 124 and 137, which instruct the state and federal district courts of justice to provide the representatives of the public security agencies involved in preventing and treating violence against women²¹⁷ login profiles for electronic court procedures, as well as to establish reflection and accountability programs for perpetrators of domestic and family violence against women.²¹⁸

201. The IACHR was also informed that since 2019, the primary aim of Target 8 of the National Justice Council's National Judicial Policy to combat violence against women has been to ensure cases of domestic and family violence against women are prosecuted in a reasonable amount of time.²¹⁹ For 2022, Target 8 consists of prioritizing the prosecution of cases of femicide and domestic and family violence. The specific objective is to identify and prosecute, by December 31, 2022, 50% of the cases of femicide and 50% of the cases of domestic and family violence distributed up to December 31, 2020.²²⁰ The State indicated that the data on the courts' compliance with this objective are public,²²¹ and that as of the report date, the courts had achieved 99.11% compliance for femicide cases.²²² Furthermore, for 2023 the courts have proposed raising the objective to 60% of cases prosecuted within two years after they are filed.²²³

202. The State indicated that it had instituted the Justice for Peace at Home Program in 2015, with the same objective of speeding up prosecution of cases of domestic and family violence against women. This program consists of an intensive push to prosecute these types of cases, made for three weeks every year. According to the State, the eighteenth week of this program took place in August 2021, and in 2018 the program was incorporated into the National Justice Council judicial policy and should therefore be held on an ongoing basis.²²⁴ The State also reported on the 16th Maria da Penha Law Day, sponsored by the National Justice Council. This day culminated with adoption of the respective proposals to support implementation of the National Judicial Policy to combat violence against women.²²⁵

²¹³ Brazil report to the IACHR, December 9, 2022, pars. 129-130; Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 16, 2022, pars. 13, 14.

²¹⁴ Brazil report to the IACHR, December 9, 2022, pars. 131-133; Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 16, 2022, pars. 15, 16.

²¹⁵ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, pars. 10-11.

²¹⁶ Brazil report to the IACHR, December 9, 2022, par. 124; National Justice Council; Avon Institute; Maria da Penha Law Consortium. [Avaliação sobre a aplicação das Medidas Protetivas de Urgência da Lei Maria da Penha](#), 2022.

²¹⁷ Brazil report to the IACHR, December 9, 2022, pars. 127-128; Judicial branch. National Justice Council. [Recomendação No. 137](#), September 14, 2022.

²¹⁸ Brazil report to the IACHR, December 9, 2022, pars. 127-128; Judicial branch. National Justice Council. [Recomendação No. 124](#), January 7, 2022.

²¹⁹ Judicial branch, National Justice Council. [Resolução No. 254 de 4 de setembro de 2018](#), September 4, 2018.

²²⁰ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, pars. 7, 18.

²²¹ Accessible through the Business Intelligence panel on the National Justice Council website, at the link [2Painel de Resultados das Metas Nacionais - 2022](#).

²²² Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, pars. 7, 18.

²²³ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, pars. 20.

²²⁴ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, par. 24.

²²⁵ Brazil report to the IACHR, December 9, 2022, par. 126; Judicial branch. National Justice Council. [16th Maria da Penha Law Day Charter](#), August 23, 2022.

203. On the other hand, civil society organizations report that many incidents of violence against women are not reported to the authorities due to frequent institutional changes and new laws, as well as to situations of fear, threats, and coercion.²²⁶ Furthermore, the United Nations team in the country points out the existence of systemic obstacles to implementing a gender perspective in the investigation and prosecution of cases of femicide.²²⁷ Given the foregoing considerations, the Commission finds State compliance with this recommendation to be **partial**.

204. To steer implementation of this recommendation, the Commission invites the State to implement specific measures to prevent gender violence and ensure cases thereof are investigated and punished; and to provide information on how these measures work and their outcomes.

205. With regard to **training and monitoring the authorities responsible for investigation and the pursuit of justice, such as the Public Prosecutor's Office, police agencies, courts, and forensic medicine services, including the health services established by this recommendation**, the State reported on several virtual and on-site courses held in 2022 for members of the Single Public Security System on investigating the crimes of femicide and rape, and on caring for women subjected to domestic or family violence, among other topics.²²⁸ Likewise, the IACHR observes that some of the action proposals included in the 16th Maria da Penha Law Day Charter revolve around training justice workers at all jurisdictional levels, members of the public security and health care systems, and other professionals in the women's protection network, on the characteristics of the crime of psychological violence, and on using the national risk evaluation form and the Protocol for Prosecution with a Gender Perspective.²²⁹

206. The Commission recognizes and salutes the State's efforts to prevent human rights violations like the ones that occurred in the Maria da Penha case. Specifically, it highlights the State actions designed to improve implementation of the emergency protection measures and to guarantee prosecution, in reasonable time frames, of cases of femicide and domestic and family violence against women and girls. Accordingly, the Commission finds that compliance with this recommendation is **partial**.

207. With a view to steering compliance with this recommendation, the Commission invites the State to adopt measures to overcome the structural obstacles that hamper women's access to legal proceedings and remedies as well as the integration of a gender perspective into investigations and the pursuit of justice. The IACHR also calls on the State to provide sufficient information about trainings and educational courses for all civil servants (in investigation, the justice system, and health care) who work with cases of gender violence against women and girls, specifically on due diligence, the gender perspective, and care for victims. The IACHR also requests information on the specific training sessions held for health care services staff, and notes that it will also be important for the State to send information on the mechanisms put in place for monitoring the indicated authorities as well as the outcomes thereof.

208. With regard to the recommendation to **investigate, try, and punish - with a gender perspective and as a priority - violations of the human rights of women and girls, especially femicides of trans women; likewise, investigate with due diligence acts of violence against female human rights defenders and other groups at special risk**, the Commission notes that the first part of this recommendation, on women and girls, was already evaluated under the prior recommendation. With regard to investigating, trying, and punishing femicides of trans women and violence against human rights defenders, the IACHR indicates that the State did not provide specific information that would make it possible to assess its

²²⁶ OHCHR. [Summary of stakeholders' submissions on Brazil](#), A/HRC/WG.6/41/BRA/3, 31 August 2022, par. 61.

²²⁷ OHCHR. [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#). A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 53.

²²⁸ Brazil report to the IACHR, December 9, 2022, pars. 18-28.

²²⁹ Judicial branch: National Justice Council. [16th Maria da Penha Law Day Charter](#), August 23, 2022. Proposals 4, 5, 6, and 8.

compliance, as will be shown in the sections on LGBTBI persons and human rights defenders. In consideration of what was analyzed for the prior recommendation, the IACHR finds that compliance is **partial**.

209. For the State to comply with this recommendation, the IACHR needs it to provide information on the measures implemented to investigate, try, and punish violations of the human rights of women and girls, with a gender perspective. These measures must be shown to have a specific impact on trans women, and the implementation of due diligence, on defenders and other persons at special risk.

210. With regard to the recommendation to **strengthen the institutional capacity of the Public Prosecutor's Office, police agencies, courts, and legal and forensic medicine units by endowing them with financial, human, and training resources, to include procurement of the technical equipment necessary to perform all the tests required to clarify acts of violence against women**, the State reported that it had established an Office for the Defense of Women at all branches and units of the Public Prosecutor's Office, with the primary objective of receiving, processing, and forwarding reports of violence against women to the competent authorities.²³⁰ The State also reported that since 2007 it has established 139 exclusive judicial units, 295 private treatment rooms; 78 exclusive and 403 nonexclusive psychosocial sections to attend to women victims of family or domestic violence, all stemming from National Justice Council recommendation 09/2007, which instructed the judicial branch to create specialized and family violence courts in the capital and in the states.²³¹

211. The Commission appreciates the measures taken by the State to expand and fortify specialized care for women experiencing domestic violence. However, first and foremost, it clarifies that it already discussed the measures for training the authorities who will be involved in investigating and prosecuting these acts in a prior section. Second, with regard to building institutional capacity in terms of financial resources and, in particular, the procurement of technical equipment to perform the necessary forensic tests in the investigations, the IACHR has not received any information whatsoever that would allow it to assess the State's level of compliance. Therefore, the IACHR considers compliance with this recommendation to be **pending**.

212. To comply with this recommendation, the State will need to adopt specific actions to strengthen Brazilian institutions with financial, human, and training resources, for the specific purpose of combatting the pattern of impunity in cases of violence against women.

213. With regard to recommendation 36 to **implement protocols with a gender perspective for crimes involving violence against women and to develop transparent processes for overseeing their correct implementation**, the State reported National Justice Council recommendation 128, which orders the courts of justice in the states and federal district to adopt the Protocol for Prosecution with a Gender Perspective.²³² It also highlighted Law 14,149/21, which stipulates mandatory use of the National Risk Evaluation Form, to streamline protective interventions by improving coordination between the justice system and the protection network.²³³ In addition, the State reported the Ministry of Justice and Public Security's publication of national guidelines for military police treatment of women subjected to domestic and family violence. The State indicated that these guidelines steer planning and execution of comprehensive actions to address crimes against women and seek to prevent revictimization resulting from the women having to give

²³⁰ Brazil report to the IACHR, December 9, 2022, par. 123; National Council of the Public Prosecutor's Office. [Recomendação No. 88](#), January 27, 2022.

²³¹ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, par. 40.

²³² Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, par. 21; Judicial branch. National Justice Council. [Recomendação No. 128](#), February 15, 2022.

²³³ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 13, 2022, par. 16; Office of the President of the Republic. [Law 14.119 of May 4, 2022](#), May 4, 2022.

superfluous, repeated testimonies; it also indicated that state and Federal District authorities would decide on total or partial adoption of these guidelines.²³⁴

214. The Commission welcomes the measures aimed at ensuring adherence to the Protocol for Prosecution with a Gender Perspective and use of the National Risk Evaluation Form and invites the State to continue making efforts in this vein—specifically, to foster awareness of these and other similar types of instruments among the various competent authorities, through outreach and training activities to ensure proper implementation thereof. On the other hand, the Commission finds the information provided by the State on approved and updated protocols for investigating and prosecuting cases of violence against women to be insufficient. Moreover, it did not receive information on justice authorities’ effective implementation of these protocols, nor on the existing mechanisms for overseeing implementation. Therefore, the Commission finds that compliance with this recommendation is **pending**.

215. To steer compliance with this recommendation, the Commission asks the State to provide updated information on the effective implementation of the protocols for investigating and pursuing justice in cases of violence against women, as well as information on the mechanism for supervising those protocols.

216. With regard to recommendation 37 to **plan, develop, and implement educational initiatives, programs, and policies for society in general, from the formative, initial stages onwards, with a view to getting rid of stereotypes about the inferiority of women and girls and advancing gender equality**, the State reported that Law 14,164/21, which amends the Law on Brazilian Education Guidelines and Foundations, instituted, among other activities, the training of education professionals and an annual week to combat violence against women in schools.²³⁵ The State also indicated that the National Secretariat for Public Policies on Women is developing the “Maria da Penha goes to school” project, whose objective is to equip education professionals with the knowledge they need to identify, prevent, and act in cases of domestic, family, and/or sexual violence that reach schools.²³⁶ The IACHR also takes note of the aforementioned State “Purple August” initiative; in addition to establishing actions to be taken by state and federal authorities, this initiative also includes measures to raise awareness in society at large, like outreach and educational campaigns on the different types of violence against women and how to prevent and report them.²³⁷

217. The Commission thanks the State for its efforts to prevent and respond to cases of violence against women and girls at school, and to raise awareness of this problem in the general population. At the same time and considering the alarming rates of gender violence against women and girls in Brazil, the IACHR invites the State to redouble its efforts to address and tackle the structural causes of this violence, by coordinating initiatives among the various branches and levels of government to dismantle the patterns of gender-based discrimination that hamper women’s and girls’ equal exercise of their rights and foment violence against them. Accordingly, the Commission finds that compliance with this recommendation is **partial**.

218. To guide implementation of this recommendation, the Commission calls on the State to adopt additional measures that could include, for example, public policies and educational campaigns to help eliminate stereotyped patterns of subordination and foster respect for women and girls as equals. Along these lines, the IACHR also suggests that the State consolidate information on the scope and content of the measures it has adopted, and the outcomes achieved with implementation.

219. With regard to recommendation 38 to **draft and implement culturally appropriate policies, with the participation of indigenous, quilombola, and traditional community women and girls, for preventing, investigating, prosecuting, and making reparation for acts of violence and**

²³⁴ Brazil report to the IACHR, December 9, 2022, pars. 134-136; Ministry of Justice and Public Security. [Diretrizes nacionais para atendimento policial militar às mulheres em situação de violência doméstica e familiar](#), 2022.

²³⁵ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 16, 2022, par. 32.

²³⁶ Federative Republic of Brazil. State report. Case 12,051 - Maria da Penha Maia Fernandes, October 16, 2022, par. 33.

²³⁷ Office of the President of the Republic. [Law 14,448 of September 9, 2022](#), September 9, 2022.

discrimination against them, the State reported that the National Secretariat for Promoting Racial Equality is pursuing actions to foster the development of Black and *quilombola* women.²³⁸ Specifically, the State reported that the Ialodês Project promotes training, assistance, and psychosocial support for socially and economically vulnerable Black and *quilombola* women, through courses and workshops to help them find jobs and generate income.²³⁹ The State also acknowledged the persistent major challenges to the inclusion of these women in the formal labor market—meaning that the State must expand their access to day-care centers, education, and professional training, among other actions.²⁴⁰ Likewise, the United Nations team in the country has indicated that the human rights violations of *quilombolas* especially affect women and girls.²⁴¹

220. The Commission warns that the information provided by the State does not allow the IACHR to evaluate compliance with this recommendation. Therefore, it considers compliance with this recommendation to be **pending**.

221. To steer implementation of this recommendation, the Commission invites the State to develop policies for the components specified in the recommendation of investigating, punishing, and making reparation for the violence and discrimination against women. Compliance with this recommendation will require government measures and specific information on the public policies in question, namely: (i) their characteristics, meaning they must be culturally appropriate and have a holistic, comprehensive approach; (ii) the way and extent to which indigenous, *quilombola*, and traditional community women and girls participate; and (iii) the objectives, that is, that these policies do in fact spur prevention, investigation, punishment, and reparation for acts of violence against women.

222. The State did not submit information on recommendation 39 to **adopt comprehensive measures to respect and guarantee women’s rights to sexual and reproductive health, including specific measures to guarantee access to maternal health services; legal voluntary interruption of pregnancy; emergency contraception; true, uncensored information; and comprehensive education**.

223. The Commission is concerned about various initiatives and practices that constitute setbacks for the respect and guarantee of these rights. Along these lines, the IACHR notes the many obstacles identified by civil society to accessing legal interruption of pregnancy in cases of rape, especially for girls and adolescents, such as the intentional propagation of disinformation; stigmatization and revictimization by judicial and health care authorities; threats of legal persecution of persons who attend legal abortion procedures;²⁴² and the intention to impose further legal restrictions,²⁴³ among others. At the same time, the IACHR welcomes the Government of Brazil’s announcement that it is withdrawing the country from the Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family, which expressly excludes access to abortion as an integral part of women’s right to sexual and reproductive health.²⁴⁴ However, the IACHR also takes note of multiple legislative proposals and other measures that seek to prohibit comprehensive gender and sexual education in schools.²⁴⁵

²³⁸ Brazil report to the IACHR, December 9, 2022, par. 108.

²³⁹ Brazil report to the IACHR, December 9, 2022, par. 109.

²⁴⁰ Brazil report to the IACHR, Chapter IV, IACHR report, November 2022, paragraph 42.

²⁴¹ OHCHR. [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights for the Working Group on the Universal Periodic Review for Brazil](#). A/HRC/WG.6/41/BRA/2, 25 August 2022, par. 62.

²⁴² OHCHR. [Summary of stakeholders’ submissions on Brazil](#), A/HRC/WG.6/41/BRA/3, 31 August 2022, par. 48; Center for Reproductive Rights, Cladem Brazil, IPAS, et al. Ref. Recent regulations and impact on Child pregnancy and the denial of access to legal abortion in Brazil, June 24, 2022. In IACHR files; The Intercept. [Criança está há mais de um mês em um abrigo para que não tenha acesso a seu direito: um aborto legal](#), June 20, 2022; La Mala Fe. [Un documento técnico del Ministerio de Salud propone investigar a las víctimas de violación sexual que recurran al aborto, pese a que este servicio es legal para esos casos](#), 2022.

²⁴³ BBC News Brasil. [O que dizem projetos de lei que tentam restringir ainda mais aborto no Brasil](#), July 8, 2022.

²⁴⁴ Agência Brasil. [Brasil anuncia su retirada del Consenso de Ginebra](#), January 18, 2023.

²⁴⁵ Human Rights Watch. [“I became scared, this was their goal” Efforts to ban gender and sexuality education in Brazil](#), 2022, pp. 19-20; MinutoMT. [Prefeito de Sinop proíbe ideologia de gênero em escolas](#), March 14, 2022.

224. On the other hand, the State informed the Human Rights Council that the Ministry of Health has strengthened primary health care. For pregnant women, this includes the detection, treatment, and prevention of maternal and fetal diseases, which fosters healthy fetal development and reduces problems during pregnancy, birth, and the postpartum period.²⁴⁶

225. The IACHR warns about the lack of information on equal health care for women and girls who need to terminate their pregnancies, as allowed under local law. Furthermore, according to information provided by civil society, during the COVID-19 pandemic, the number of hospitals that perform abortions shrank drastically; currently, 13 states in Brazil do not offer access to legal abortion services.²⁴⁷ Notably, the criminalization of abortion is one of the main causes of maternal death in Brazil,²⁴⁸ especially among women of African descent.²⁴⁹

226. In connection with this, the Commission notes that there continue to be challenges and threats to the exercise of the sexual and reproductive rights of women and girls, as well as setbacks in access to pregnancy termination services and comprehensive sexual education. What is more, the IACHR did not receive information from the State on women's and girls' access to safe emergency contraception or to true, uncensored information; neither did it receive information on government measures to improve the availability and continuity of essential health services. Accordingly, the IACHR considers compliance with this recommendation to be **pending**.

227. To steer implementation of this recommendation, the Commission calls on the State to adopt comprehensive measures to ensure respect for and guarantee women's sexual and reproductive health, making it possible for the country to overcome the challenges and threats to the exercise of those rights. These measures could include, for example, public policies, institution building, teaching, and outreach activities to raise awareness of human rights issues. These actions must further the aspects indicated in the recommendation, meaning they must guarantee access to maternal health care, legal voluntary termination of pregnancy, emergency contraception, true and uncensored information, and comprehensive education.

CHILDREN AND ADOLESCENTS

40. Take all necessary steps to ensure that the exceptionality principle is applied to measures aimed at adolescents at odds with the law, particularly so that deprivation of liberty is used a last resort only, giving preference to open environment options for property-related and non-violent offenses. Accordingly, alternatives must be envisaged in proceedings so that their cases can be resolved through actions that promote the development of their personality and constructive reintegration into society.

41. Bring all "socio-educational" (correctional) facilities into line with international criteria and standards, particularly as regards architectural parameters that should serve the underlying purpose as well as comply with the highest safety, accommodation, educational, health, and social reintegration standards.

42. Adopt measures to allow and foster contact between the adolescents in those centers and their families and communities, by promoting geographical decentralization of the centers in such a way that those adolescents can serve their time in the same place or the center closest to their home or that of their parents or guardian, and friends.

²⁴⁶ Human Rights Council. [National report submitted to the Working Group on the Universal Periodic Review on Brazil](#). A/HRC/WG.6/41/BRA/1, 1 September 2022, par. 101.

²⁴⁷ OHCHR. [Summary of stakeholders' submissions on Brazil](#), A/HRC/WG.6/41/BRA/3, 31 August 2022, par. 48.

²⁴⁸ The Commission has consistently observed high rates of maternal mortality among women of African descent. See: IACHR. [Situation of human rights in Brazil](#), February 12, 2021, par. 461; IACHR. [Annual Report 2021. Chapter IV.A - Brazil](#), par. 190.

²⁴⁹ Center for Reproductive Rights, Cladem Brazil, IPAS, et al. Ref. Recent regulations and impact on Child pregnancy and the denial of access to legal abortion in Brazil, June 24, 2022. In IACHR files; Artigo 19. Legal Abortion Map. Available at: <https://mapaabortolegal.org/>.

43. *Keep a record and conduct a serious, impartial, effective and expeditious investigation, of all complaints received regarding the way the juvenile justice system operates and reply to all such complaints. In cases in which violations of the rights of the child in such centers are confirmed, adopt measures in administrative, civil and/or criminal proceedings to punish those responsible; avoid a recurrence of what happened; and proceed to make appropriate reparation to the victims and their family members.*

44. *Establish a juvenile justice indicators system based on international models, designed to be periodically updated, and ensure public access to that information, which needs to contain, at a minimum, data on: (i) the total number of adolescents in “socio-educational” correctional facilities; (ii) a breakdown of the data by gender, ethnic/racial origin, migratory status, age, sexual orientation, identity and/or gender expression, and sexual characteristics, as well as any other characteristics that could trigger intersectional risks for the adolescents; and (iii) the number of adolescents per type of correctional regime, including the different forms of internment.*

228. The State did not provide specific data on recommendation 40 on the **exceptionality principle with regard to measures applied to adolescents at odds with the law**.²⁵⁰ According to official public information, the number of incarcerated adolescents decreased from 13,684 in 2021 to 10,581 in 2022.²⁵¹

229. Although the IACHR notes that fewer adolescents are incarcerated, the available public information does not allow it to analyze the prioritization of alternative socio-educational measures or the use of deprivation of liberty only as a last resort. The IACHR needs up to date, standardized, multiyear, and complete information that includes a breakdown of the alternative, semi-open, and incarceration measures issued. Such a breakdown will make it possible to compare the percentages of adolescents subject to socio-educational measures in the past few years who have received alternative measures rather than incarceration. In turn, this would make it possible to determine if the reduced admissions to socio-educational units is due to the use of other measures (semi-open regimes as indicated in the recommendation), or if it results from other de facto situations.

230. Given the available data, the Commission notes that despite the drop in the overall rate of incarcerated adolescents, the information it has been given does not confirm the exceptionality of incarceration or the prioritization of other socio-educational measures. Therefore, the IACHR considers compliance with this recommendation to be **pending**.

231. To steer implementation of this recommendation, the Commission calls on the Brazilian State to adopt the necessary institution-building activities to lower adolescent incarceration rates and to implement actions that will ensure detention is used as only as a last resort and for as short a time as possible.²⁵²

232. With regard to recommendation 41 to **bring all “socio-educational” (correctional) facilities into line with international criteria and standards, particularly as regards architectural parameters**, the State indicated that it is implementing the New Socio-education (*Novo Socioeducativo*)²⁵³ project that contains innovative proposals for care, management, and infrastructure geared towards a more efficient use of public funds while providing a satisfactory service that will guarantee adolescents’ enjoyment of their rights established in the Statute of the Child and Adolescent.²⁵⁴

²⁵⁰ Brazil report to the IACHR, December 9, 2022.

²⁵¹ Brazilian Forum on Public Security, [Brazilian Yearbook of Public Security](#), 2022, p. 17. See also, National Council of the Public Prosecutor’s Office, [Panorama Socioeducativo Internação e Semiliberda](#), January 9.

²⁵² IACHR, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser.L/V/II Doc. 78, July 13, 2011, par. 80.

²⁵³ Brazil report to the IACHR, December 9, 2022, pars. 152-154, pp. 43-44.

²⁵⁴ Brazil report to the IACHR, December 9, 2022, pars. 152-154, pp. 43-44.

233. Based on the information analyzed in this section, especially the fact that the new management model is still in the pilot stage, the Commission considers compliance with this recommendation to be **pending**.

234. To steer compliance with this recommendation, the Commission calls on the State to continue with its comprehensive improvements to the juvenile justice system in a timely, swift fashion. It also reminds Brazil of the country's strong position as guarantor of the rights of incarcerated adolescents, regardless of the type of facility where they are being held.²⁵⁵ Accordingly, Brazil must establish clear guidelines and diverse indicators, as well as provide appropriate oversight to ensure that the adolescents' best interests inform all decisions made about them.²⁵⁶

235. The IACHR reminds the State that the deplorable conditions typical of detainment facilities in Brazil, including institutions for adolescents, pose grave risks to the lives and humane treatment of prisoners and constitute per se cruel, inhuman, and degrading treatment.²⁵⁷

236. The State did not provide specific information in its report to the IACHR on recommendation 42 to **adopt measures to allow and foster contact between the adolescents in those centers and their families and communities, by promoting geographical decentralization of the centers**. The Commission observes that as part of the New Socio-education project, the country is proceeding to conduct a diagnostic assessment of the system, including the requirements for building new socio-educational centers. However, the project is still in the pilot stage and to date only the new units in the state of Minas Gerais have been implemented.²⁵⁸

237. Brazil has also proceeded to establish the State System for Socio-educational Assistance "vacancy centers" as per National Justice Council Resolution 367/2021.²⁵⁹ These central offices will be responsible for processing requests made by the judicial branch and indicating the availability of an internment unit, semi-open plan, or pre-trial detention, for assigning adolescents; if no spots are available, the adolescent will be placed on a waiting list until one opens up.²⁶⁰ Likewise, if an adolescent has to be sent to a different unit rather than the one established in the regionalization system due to a lack of vacancies, the central office will provide an appropriate vacancy in the region where they live within 10 days.²⁶¹ However, as of April 2022 only ten states in Brazil had implemented this centralized system for managing the capacity of the units.²⁶²

238. The IACHR emphasizes that adolescents subject to socio-educational measures have the right to maintain contact with and ties to their families.²⁶³ Based on the information analyzed in this section, the Commission finds compliance with this recommendation to be **partial**.

²⁵⁵ IACHR, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser. L./V/II. Doc. 78/11, July 3, 2011, pars. 440-442.

²⁵⁶ IACHR, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser. L./V/II. Doc. 78/11, July 3, 2011, pars. 443.

²⁵⁷ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/II., February 12, 2021, par. 150.

²⁵⁸ UNOPS, [UNOPS avança nos estudos de um modelo inovador para o sistema socioeducativo no Brasil](#), August 10, 2021. UNOPS, [Em Minas Gerais, UNOPS e parceiros lançam projeto Novo Socioeducativo](#), February 3, 2022. Portal de Compras MG, [Consulta Pública – PPP Do Novo Socioeducativo](#), October 27, 2022.

²⁵⁹ UNDP, [Central de Vagas facilita acesso à educação por crianças e adolescentes no sistema socioeducativo](#), April 18, 2022; Espírito Santo Public Defender's Office, [Brasil registra queda no número de adolescentes e jovens internados nas unidades socioeducativas](#), July 5, 2022.

²⁶⁰ UNDP, [Central de Vagas facilita acesso à educação por crianças e adolescentes no sistema socioeducativo](#), April 18, 2022; Espírito Santo Public Defender's Office, [Brasil registra queda no número de adolescentes e jovens internados nas unidades socioeducativas](#), July 5, 2022.

²⁶¹ UNDP, [Central de Vagas facilita acesso à educação por crianças e adolescentes no sistema socioeducativo](#), April 18, 2022.

²⁶² UNDP, [Central de Vagas facilita acesso à educação por crianças e adolescentes no sistema socioeducativo](#), April 18, 2022.

²⁶³ IACHR, [Juvenile Justice and Human Rights in the Americas](#), OEA/Ser. L./V/II. Doc. 78/11, July 3, 2011, par. 449. IACHR, [The right of boys and girls to a family: Alternative care. Ending institutionalization in the Americas](#), OEA/Ser.L/V/II. Doc. 54/13, October 17, 2013, pars. 59-64.

239. With a view to steering the implementation process for this recommendation, the IACHR invites the State to develop measures that will finalize the territorial decentralization of detention centers, to eliminate all barriers to achieving the adolescents' effective contact or relations with their families, caregivers, and communities.

240. In its report to the IACHR, the State did not provide data on recommendation 43 to **keep a record and conduct a serious, impartial, effective and expeditious investigation of all complaints received regarding the way the juvenile justice system operates.**²⁶⁴ The Commission, in turn, observes that the manual for implementing National Justice Council Resolution 77/2009 on judicial inspections of socio-educational units instructs judges to listen to the adolescents and to ensure there is a way for them to file complaints at the facilities.²⁶⁵ However, the IACHR was unable to find official information on the existence of a system for reporting, registering, and investigating complaints, which the country's juvenile justice system facilities are required to implement.

241. Based on the information analyzed in this section, the Commission finds compliance with this recommendation to be **pending**.

242. To steer compliance with this recommendation, the IACHR invites the State to implement accessible, safe, reliable, and effective mechanisms for receiving and systematizing complaints, reports, and petitions, to address the issues raised by adolescents in connection with human rights violations at the units, the detention conditions, and their cases, etc.²⁶⁶ Importantly, the State must ensure that these mechanisms are indeed accessible, simple, widely known to the adolescents, and designed with their needs and particularities in mind.²⁶⁷

243. In its report to the IACHR, the State did not provide data on recommendation 44 to **establish a juvenile justice indicators system.**²⁶⁸ That said, the Commission notes that the State has implemented the National Socio-educational Services System (SINASE). Under this system, the detention units and centers for depriving adolescents of their freedom or restricting it are periodically surveyed to identify the adolescents' profiles, the offenses committed, and the units' structures, among other aspects. The IACHR finds that the most recent survey was published in 2020, and previously, surveys were published annually from 2009 to 2017 without interruption.²⁶⁹

244. SINASE also uses an informational tool called SIPIA-SINASE to register and process data on adolescents at odds with the law, in compliance with socio-educational measures.²⁷⁰ This SIPIA-SINASE tool is not available publicly, and therefore the Commission is unable to verify the information it contains or the indicators it tracks.

245. The CNMP uses the "Internment and Semi-open Socio-educational Overview" information tool which contains information on the country's internment and semi-open facilities.²⁷¹ This system also keeps

²⁶⁴ Brazil report to the IACHR, December 9, 2022.

²⁶⁵ National Justice Council, *Manual Resolução CNJ 77/2009 Inspeções Judiciais em unidades de atendimento socioeducativo*, Brazil, 2022.

²⁶⁶ IACHR, *Juvenile Justice and Human Rights in the Americas*, OEA/Ser. L./V/II. Doc. 78/11, July 3, 2011, pars. 585-587. IACHR, *The right of boys and girls to a family: Alternative care. Ending institutionalization in the Americas*, OEA/Ser.L/V/II. Doc. 54/13, October 17, 2013, par. 403.

²⁶⁷ IACHR, *The right of boys and girls to a family: Alternative care. Ending institutionalization in the Americas*, OEA/Ser.L/V/II. Doc. 54/13, October 17, 2013, par. 404.

²⁶⁸ Government of Brazil, Diplomatic Note 456 – Annex: State report, December 9, 2022.

²⁶⁹ SINASE, *Levantamentos Nacionais do SINASE*, 2022.

²⁷⁰ SIPIA, *Sobre o SIPIA*, 2022.

²⁷¹ National Council of the Public Prosecutor's Office, *Panorama Socioeducativo Internação e semiliberdade*, 2022.

updated public information on the care units, but this information is not disaggregated for each adolescent, as that is not the tool's focus.²⁷²

246. Based on the information analyzed in this section, the Commission finds compliance with this recommendation to be **partial**.

247. To steer implementation of this recommendation, the IACHR invites the State to periodically perform a comprehensive update of the juvenile justice indicators system and ensure public access thereto. Likewise, a unified, automated information system should minimize the risks of duplicated records and missing and erroneous data. Furthermore, it is important for the compilation methodology and the indicators in the registry to include information on the alternative socio-educational measures handed down instead of internment, to make it possible to demonstrate the exceptionality of internment measures as set forth above.²⁷³

LESBIANS, GAYS, BISEXUALS, TRANS AND INTERSEX PERSONS (LGBTI)

45. Make—and properly fund—efforts to systematically compile and analyze official data on the prevalence and nature of violence and discrimination based on sexual orientation or where sexual characteristics vary in accordance with the binary masculine and feminine roles.

46. Adopt such legislative measures and public policies as are needed to prevent violence, discrimination, and prejudice against persons based on their sexual orientation, identity, and/or gender expression, or whose sexual characteristics vary in accordance with masculine and feminine models. Those measures need to take into account the intersection of factors that may heighten the violence, such as ethnic/racial origin.

47. Adopt comprehensive public policies that consolidate progress made as regards civic status (cidadania), equality, and dignity for the trans and diverse gender population, including guaranteeing the right to gender identity.

48. Create and implement policies that guarantee the right of LGBTI persons, especially trans and diverse gender persons, to access health care services without being subjected to discrimination and violence.

49. Adopt any legislative and public policy measures needed to promote the rights of LGBTI persons, including those conducive to cultural changes via an inclusive education with a diversified gender perspective.

50. Continue making headway with the institutional framework for the human rights agenda of LGBTI persons and ensuring its consolidation by endowing it with adequate budget and trained personnel who will work effectively to uphold it.

248. With regard to the recommendations on the rights of LGBTI persons, the State reported measures implemented by the Office for the Protection of the Rights of Social Minorities and At-Risk Populations, the National Secretariat for Global Protection, the MMFDH, and other government agencies. The Commission appreciates the information provided. However, it observes that a significant number of the measures were actions taken before 2021, or are still in the early stages of development, meaning that information on the efficacy of their outcomes is still unavailable.²⁷⁴ In light of this, the Commission highlights the 2021 increase in the amounts committed to/invested in actions for LGBT persons.²⁷⁵

249. On IACHR recommendation 45 to **compile data on violence and discrimination against LGBTI persons**, the Commission welcomes the May 2022 publication of the National Health Survey, which

²⁷² National Council of the Public Prosecutor's Office, *Panorama Socioeducativo Internação e semiliberdade*, 2022.

²⁷³ IACHR, *Juvenile Justice and Human Rights in the Americas*, OEA/Ser. L./V/II. Doc. 78/11, July 3, 2011, paragraph 588. IACHR, *The right of boys and girls to a family: Alternative care. Ending institutionalization in the Americas*, OEA/Ser.L/V/II. Doc. 54/13, October 17, 2013, par. 554.

²⁷⁴ Brazil report to the IACHR, December 9, 2022, pars. 162-168, pp. 45-48.

²⁷⁵ Brazil report to the IACHR, December 9, 2022, paragraph 162, p. 47.

contains data gathered in 2019 and for the first time included questions on sexual orientation.²⁷⁶ According to the information received, the survey revealed that 2.9 million people have diverse sexual orientations, and it serves as a significant source of information for developing and implementing public policies on health for LGBTI persons.

250. In the same vein, the IACHR takes note that, in June, a judicial decision ordered the IBGE to compile information on sexual orientation in the 2023 national demographic census (the country conducts a census every 10 years).²⁷⁷ The Office of the Attorney General of the Union and the IBGE appealed this decision based on the complexity of the issue, the need for more time to incorporate the relevant questions, the budget adjustment required, and the fact that the national census had already been delayed due to the COVID-19 pandemic. In response, the court issued a precautionary measure to allow the census to go ahead without the questions on sexual diversity.²⁷⁸

251. Notwithstanding the foregoing, according to public information, the IBGE had affirmed that questions on gender identity and sexual orientation were planned for other surveys, including the Continuous National Household Sample Survey (Continuous PNAD), to be conducted in 2023; the National Demographic Health Survey, to be conducted in 2023; the National Health Survey, in 2024; and the next Household Budget Survey.²⁷⁹

252. In view of the foregoing, the IACHR considers compliance with this recommendation to be **partial**.

253. To steer compliance with this recommendation, the Commission invites the State to continue making progress on compiling and systematizing data in order to appropriately shape public policies and laws for protecting the rights of LGBTI persons and ensuring their social inclusion.

254. The information provided by the State on recommendation 46 to **adopt measures to prevent violence and discrimination against LGBTI persons, taking into account the particular vulnerability of trans women of African descent** does not allow for evaluating compliance.

255. Through its monitoring work, the IACHR learned of the decision made by the 6th Division of the Superior Court of Justice in May to recognize that the Maria da Penha Law on preventing domestic and family violence against women is also applicable to trans women, thereby reversing the decision of the 10th Criminal Division of the São Paulo Court of Justice that limited its application to cisgender women. The IACHR welcomes this decision, which allows trans women to access the protections provided under this law, including having their cases be heard by special courts with stricter sentences for perpetrators, and being covered by the public policies on eradicating domestic and family violence.²⁸⁰

256. Despite this significant milestone in Brazil's case law, the IACHR remains concerned about the high number of killings and other violent incidents involving trans and gender-diverse persons reported every year. According to one civil society organization's monitoring data, from January to October 2022, 96 murders were reported, making Brazil the country with the most killings of trans persons registered in Latin America.²⁸¹

²⁷⁶ IBGE, *Pesquisa Nacional de Saúde*, 2019; IBGE Noticias, *Pesquisa Nacional de Saúde. Em pesquisa inédita do IBGE, 2.9 milhões de adultos se declararam homossexuais ou bissexuais em 2019*, May 25, 2022; Agencia Brasil, *Prejudice still impacts data production on LGBTI+ people in Brazil*, July 28, 2022.

²⁷⁷ Regional Federal Court of the 1st Region. *Processo referência: 1002268-94.2022.4.01.3000*, June 24, 2022.

²⁷⁸ Globo, *IBGE diz que não é possível incluir questões sobre orientação sexual no Censo 2022*, June 9, 2022.

²⁷⁹ Terra Brasil, *Justiça derruba decisão que obrigava IBGE a incluir pergunta sobre orientação sexual no Censo 2022*, June 27, 2022.

²⁸⁰ Supreme Court of Justice. 6th Division. Special Appeal 1.977.124/ES, Reporting Justice Rogerio Schietti Cruz, decided on April 5, 2022 (Info 732); CNN Brasil, *STJ decide que Lei Maria da Penha é aplicável a mulheres trans*, May 4, 2022.

²⁸¹ TGEU, *TMM Update • Trans Day of Remembrance 2022*, November 8, 2022.

In 2021, 140 trans persons were killed there.²⁸² Given the foregoing and the lack of relevant information provided by the State, the IACHR considers compliance with this recommendation to be **partial**.

257. To steer the process of compliance with this recommendation, the Commission invites the State to adopt measures that could include, for example, public policies, institution-building actions, and outreach measures to raise awareness of human rights to prevent violence and discrimination against LGBTI persons. The IACHR also invites the State to ensure these measures are implemented with mechanisms for evaluating their true impact on preventing violent incidents against this population.

258. With regard to recommendation 47 to **adopt comprehensive public policies that consolidate the rights of trans persons**, the Commission learned that the use of chosen names in educational spheres has increased by 300% in at least 12 states, meaning that trans persons have greater access to the right to education;²⁸³ this change derives from Resolution 1 of 2018 of the Full Board of the Ministry of Education's National Council of Education, on chosen names, which allowed trans students to enroll in schools using their chosen names, through simplified processes.²⁸⁴

259. The Commission also recognizes the measures taken by the state of São Paulo to expand the *Conviva SP* [Live together São Paulo] program to support trans students. These efforts include continuing education for 240,000 education professionals on sexual diversity and gender identity issues.²⁸⁵ The IACHR also takes note of other measures for recognizing chosen names, for example, on São Paulo driving licenses.²⁸⁶ The IACHR also learned about a judicial decision that allowed the posthumous recognition of gender identity on a trans person's death certificate.²⁸⁷ In virtue of the foregoing, the Commission considers compliance with this recommendation to be **partial**.

260. To move towards full compliance with this recommendation, the State must continue strengthening and evaluating public policies that enable trans persons to effectively exercise their human rights.

261. With regard to recommendation 48 to **implement policies that guarantee the right to access health care services**, the IACHR takes note of serious deficiencies in LGBTI persons' access to health care. For example, according to public information, prejudices and preconceptions about bisexual and lesbian cisgender women limit the type of services they receive.²⁸⁸ In addition, fear of being stigmatized continues to make it more difficult for bisexual and lesbian women to seek sexual and reproductive health care.²⁸⁹

262. Research by the University of São Paulo revealed that 10 years after the National Policy on Comprehensive LGBT Health was implemented,²⁹⁰ health care systems still maintain exclusionary structures that hamper access for vulnerable groups, including trans persons. Another structural problem is the widespread lack of health care professionals who have the specialized knowledge needed to understand and treat the specific health problems of the trans and transvestite populations.²⁹¹

²⁸² Of these, 135 victims were transvestites or transexual women, and 5 were trans men and transmasculine persons. AgênciaBrasil, [Brasil registrou 140 assassinatos de pessoas trans em 2021](#), January 19, 2022.

²⁸³ CNN Brasil, [Cresce 300% o uso de nome social nas escolas públicas na última década](#), April 13, 2022.

²⁸⁴ Ministry of Education, [National Council of Education Resolution 1](#), January 19, 2018.

²⁸⁵ Yahoo, [SP amplia ações dentro das escolas públicas para tentar amparar e proteger alunos trans](#), February 21, 2022.

²⁸⁶ ABC, [Novo modelo de CNH permite nome social e até filiação afetiva, informa Detran.SP](#), June 1, 2022.

²⁸⁷ General Public Defender's Office of the State of Ceara, Notícias. [Mudança de nome e gênero para pessoas trans e travestis é possível mesmo após a morte](#), June 27, 2022; Consultor Jurídico, [Dignidade póstuma para as pessoas trans](#), June 28, 2022.

²⁸⁸ UGRS, Journal da Universidade, [O atendimento ginecológico da mulher cisgênero homossexual e bissexual](#), August 4, 2022.

²⁸⁹ Campo Grande News, [O atendimento ginecológico da mulher cisgênero homossexual e bissexual](#), September 14, 2022;

FEBRASGO, [Mulheres que fazem sexo com mulheres realizam menos consultas ginecológicas, alerta Febrasgo](#), June 28, 2022.

²⁹⁰ Ministry of Health, [Política Nacional de Saúde Integral de Lésbicas, Gays, Bissexuais, Travestis e Transexuais](#).

²⁹¹ CNN Brasil, [Dia da Visibilidade Trans: acesso integral à saúde ainda enfrenta grandes desafios](#), January 27, 2022.

263. The Commission also notes that, according to data from the Pan American Health Organization (PAHO), by November 2, 2022, 9,260 confirmed and suspected cases of monkeypox had been reported, as well as 10 deaths, making Brazil the country with the most deaths in the region.²⁹² Taking into account that the World Health Organization (WHO) declared the monkeypox outbreak “a public health emergency of international concern”²⁹³ that is more prevalent among men who have sex with men and the homosexual and bisexual populations,²⁹⁴ the IACHR notes with concern that, according to public information, the response of the Brazilian government to the situation was inadequate.²⁹⁵

264. Given the foregoing and considering the lack of relevant information from the State on 2022, the IACHR considers compliance with the recommendation to be **pending**.

265. To steer implementation of this recommendation, the IACHR invites the State to adopt public policies that promote and guarantee the right to access health for LGBTI persons, with an approach that specifically addresses the needs of trans people.

266. With regard to recommendation 49 to **adopt measures, including ones conducive to cultural changes via an inclusive education, to promote the rights of LGBTI persons**, according to a Human Rights Watch report, from 2014 to 2022 at least 217 laws and bills were designed to explicitly forbid the teaching and sharing of gender and sexuality-related content, or to ban so-called “gender ideology” in schools.²⁹⁶ In 2022, for example, these types of laws were passed in the city of Sinop (state of Mato Grosso) and the state of Goiás.²⁹⁷

267. The IACHR recalls that this type of legislation, in addition to restricting the right of children and adolescents to a comprehensive, necessary, inclusive, and age-appropriate education on health, sexuality, and diversity, also acts as a barrier to cultural change towards more inclusive, tolerant societies respectful of human rights, and in particular, of groups vulnerable to gender stereotypes like women and LGBTI persons. The IACHR appreciates that the Federal Supreme Court has decided, in a number of resolutions, that these types of laws are unconstitutional because “the freedom to teach and pluralism of ideas are principles and guidelines of the Brazilian education system.”²⁹⁸ Given the lack of relevant, up-to-date information provided by the State, the IACHR considers compliance with this recommendation to be **pending**.

268. To move towards implementation of this recommendation, the State must adopt measures and provide information on the actions it is taking to promote cultural change and foster and guarantee the rights of LGBTI persons, which must include educational and pedagogical dimensions.

269. With regard to recommendation 50 to **continue making headway with the institutional framework for the human rights agenda of LGBTI persons and endowing it with an adequate budget to work effectively**, the Commission welcomes the information received from the State on the amounts earmarked for or invested in actions for LGBTI persons, which reached R\$5,376,023.42 in 2021, an increase from 2020 (R\$4,708,273.61) that, according to the State, helped strengthen the institutional framework for

²⁹² PAHO, [Situation Report on Monkeypox Multi-Country Outbreak Response - Region of the Americas](#). Report No. 4. November 4, 2022.

²⁹³ PAHO, [WHO Director-General declares monkeypox outbreak a public health emergency of international concern](#), July 23, 2022.

²⁹⁴ United Nations, [Viruela del mono: El ONUSIDA está preocupado por la estigmatización de los homosexuales](#), May 24, 2022.

²⁹⁵ BBC, [Varíola dos macacos: 'Brasil repete os mesmos erros cometidos com a covid', alerta presidente do Conass](#), July 26, 2022; INFOBAE, [La respuesta a la viruela del mono en México y Brasil suscita preocupación: "El gobierno no ha hecho nada"](#), August 19, 2022.

²⁹⁶ Human Rights Watch, [Brazil: Attacks on Gender and Sexuality Education](#), May 12, 2022.

²⁹⁷ 297 Minuto MT, [Prefeito de Sinop proíbe ideologia de gênero em escolas](#), March 14, 2022; Globo, [Deputados aprovam projeto que proíbe 'ideologia de gênero' nas escolas de Goiás](#), August 28, 2022; Human Rights Watch, [Brazil: Attacks on Gender and Sexuality Education](#), May 12, 2022.

²⁹⁸ STF, [Julgadas inconstitucionais leis sobre Escola Livre e proibição de ensino de sexualidade](#), August 20, 2020; IBDFAM, [Por unanimidade, STF derruba lei municipal que vetava "ideologia de gênero" nas escolas](#), April 29, 2020.

human rights.²⁹⁹ The IACHR also took note of the closure of the LGBTI Policy Coordination Office at the Ministry of Women, the Family, and Human Rights,³⁰⁰ and in 2019, the elimination of a number of public policy councils linked to various departments of the federal government, including the Council to Combat Discrimination against LGBT Persons.³⁰¹

270. Accordingly, the Commission considers compliance with this recommendation to be **pending**.

271. To steer implementation of this recommendation, the Commission invites the State to adopt measures to strengthen institutions with regard to the human rights of LGBTI persons, ensuring progressive institutional development as well as the resources necessary to ensure the bodies responsible for promoting these rights have enough money to be effective.

PERSONS WITH DISABILITIES

51. Adopt measures designed to guarantee equality before the law for persons with disabilities, safeguarding their legal capacity on an equal footing with other people.

52. Eliminate laws, regulations, and practices that discriminate against persons with disabilities, including in connection with health care and, in particular with respect to medical treatment.

53. Adopt measures designed to guarantee the right of persons with disabilities to the highest possible state of health, on an equal footing with other people, eliminating any barriers that prevent or obstruct access to health information, services, and assets.

54. Put a stop to all coercive practices, guaranteeing the free and informed consent of persons with disabilities to the medical care they receive, and provide them with any support they need to take decisions, including mental health care.

55. Guarantee the rights of persons with disabilities to sexual and reproductive health care, especially as regards consent, privacy, and protection against cruel, inhuman, and degrading treatment.

56. Take steps to ensure that persons with disabilities have access to justice on an equal footing with others, by eliminating discriminatory practices, removing obstacles of any kind, and making reasonable adjustments to facilitate access.

272. In connection with recommendation 51 to **adopt measures designed to guarantee equality before the law for persons with disabilities, safeguarding their legal capacity on an equal footing with other people**, the Commission observes that various barriers continue to hinder persons with disabilities' exercise of their right to legal capacity in the country. These barriers include the persistence in the legal system of concepts like guardianship and curatorship,³⁰² which restrict this right for persons with disabilities, according to the United Nations International Convention on the Rights of Persons with Disabilities³⁰³ and the General Comment of the Organization of American States Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities.³⁰⁴

²⁹⁹ Brazil report to the IACHR, December 9, 2022, par. 162, p. 47.

³⁰⁰ Nexo, [Políticas para LGBTI+ no governo federal: ascensão e queda](#), April 19, 2022.

³⁰¹ Gênero e Número, [Extinção do Conselho de Combate à Discriminação LGBT+ é o novo capítulo do desmonte de políticas públicas destinadas à comunidade](#), July 25, 2019.

³⁰² Report of the State of Brazil, Human rights situation of persons with disabilities, Note 194 of July 15, 2022, pp. 20-22. In IACHR archives.

³⁰³ United Nations, [Convention on the Rights of Persons with Disabilities](#), 2006.

³⁰⁴ Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities, [Observación General del Comité para la Eliminación de Todas las formas de Discriminación contra las Personas con Discapacidad, sobre la necesidad de interpretar el artículo I.2, Inciso B\) In fine de la Convención Interamericana para la Eliminación de Todas las formas de Discriminación contra las Personas con Discapacidad, en el marco del artículo 12 de la Convención de Naciones Unidas sobre los Derechos de las Personas con Discapacidad](#), April 28, 2011.

273. The State did not submit specific information on implementation of this recommendation, and accordingly the Commission considers compliance to be **pending**.

274. To steer implementation of this recommendation, the IACHR invites the State to adopt comprehensive measures to ensure the equality of persons with disabilities. These measures must be aimed at overcoming the existing barriers to the exercise of their right to legal capacity, and may include actions that foster legislation, regulation, institution building, and relevant public policies.

275. With regard to recommendation 52 to **eliminate laws, regulations, and practices that discriminate against persons with disabilities, including in connection with health care and, in particular with respect to medical treatment**, the State informed the Commission about the establishment of the Inclusion Register, meant to be a unique database on the situation of people with disabilities and the barriers they face.³⁰⁵ The State also reported the tax-exempt credit lines with subsidized interest rates offered for the purchase of products and services meant to improve the quality of life of persons with disabilities.³⁰⁶ In addition, it highlighted the creation, within the Ministry of Women, the Family, and Human Rights, of a service line that provides information to persons with rare diseases,³⁰⁷ as well as the country's ratification of the Marrakesh Treaty to facilitate access to published works for persons with visual impairments.³⁰⁸ Lastly, the State indicated that it had provided training courses to public servants and human resources on accessibility in public and urban spaces, among other topics.³⁰⁹

276. The Commission observes that the data provided do not include the date on which these initiatives were developed, nor information on their implementation, both of which are fundamental for evaluating compliance with this recommendation. The State also submitted information on the regulations for implementation of the Brazilian Law on the Inclusion of Persons with Disabilities, which was approved on July 6, 2015. However, according to the information provided, these regulations were approved between 2015 and most recently, April 11, 2019—all prior to publication of the recommendations being monitored herein.³¹⁰ Given the lack of specific information showing that adoption of these specific measures was geared towards implementation of this recommendation, the Commission considers compliance to be **pending**.

277. To steer implementation of this recommendation, the IACHR invites the State to review the legislation and regulations in place on the rights of persons with disabilities and, based on that review, to adopt the actions necessary to eliminate the regulations in the country's legal system that discriminate against them, including in the contexts of medical care and treatment.

278. The State did not present information on recommendation 53 to **adopt measures designed to guarantee the right of persons with disabilities to the highest possible state of health, on an equal footing with other people, eliminating any barriers that prevent or obstruct access to health information, services, and assets**. Consequently, the Commission does not have enough information to analyze the level of compliance with this recommendation and considers it to be **pending**.

279. To guide compliance with this recommendation, the Commission invites the State to adopt specific actions to guarantee the highest possible state of health for persons with disabilities. These measures must be designed to ensure access to health information, services, and assets, based on individual needs.

280. The State did not submit information on recommendation 54 to **put a stop to all coercive practices, guaranteeing the free and informed consent of persons with disabilities to the medical care**

³⁰⁵ Brazil report to the IACHR, December 9, 2022, pars. 175-177, p. 50.

³⁰⁶ Brazil report to the IACHR, December 9, 2022, pars. 179-180, pp. 50-51.

³⁰⁷ Brazil report to the IACHR, December 9, 2022, par. 181, p. 51.

³⁰⁸ Brazil report to the IACHR, December 9, 2022, par. 202, p. 55.

³⁰⁹ Brazil report to the IACHR, December 9, 2022, pars. 182-183, p. 51.

³¹⁰ Brazil report to the IACHR, December 9, 2022, par. 196, pp. 53-54.

they receive, and to provide them with any support they need to take decisions, including mental health care. Consequently, the Commission does not have enough information to analyze the level of compliance with this recommendation and considers it to be **pending**.

281. To guide implementation of this recommendation, the IACHR calls on the State to adopt the actions necessary to ensure that persons with disabilities exercise free and informed consent when accessing medical care. The State must also adopt measures, including mental health care ones, designed to provide support adapted to these individuals' various conditions, to foster their decision-making processes.

282. Neither did the State provide information on recommendation 55 to **guarantee the rights of persons with disabilities to sexual and reproductive health care, especially as regards consent, privacy, and protection against cruel, inhuman, and degrading treatment.** Consequently, the Commission does not have enough information to analyze the level of compliance with this recommendation and considers it to be **pending**.

283. To steer implementation of this recommendation, the IACHR invites the State to provide information on the measures designed to guarantee the right to sexual and reproductive health for persons with disabilities, including the specific aspects set forth in the recommendation.

284. In connection with recommendation 56 to **take steps to ensure that persons with disabilities have access to justice on an equal footing with others, by eliminating discriminatory practices, removing obstacles of any kind, and making reasonable adjustments to facilitate access,** the State informed the Commission about its *Atiende Libras* program, which is a channel for reporting human rights violations over video call and with Brazilian sign language (*Libras*) for persons with hearing impairments.³¹¹ The State also highlighted the VLIBRAS program, which is a set of open-source programs that translate digital text, audio, and video content into sign language to make more web sites accessible.

285. The information submitted by the State does not include dates nor data on the implementation of these initiatives— aspects which, as previously mentioned, are fundamental for evaluating compliance with this recommendation. The IACHR therefore considers compliance with this recommendation to be **pending**.

286. To steer compliance with this recommendation, the IACHR invites the State to adopt measures to ensure reasonable adjustments are implemented to ensure access to justice, and to report them to the Commission. The State must also ensure that those measures aim to eliminate discriminatory practices.

PERSONS DEPRIVED OF LIBERTY

57. Adopt judicial, legislative, and administrative measures to reduce overcrowding and use pre-trial detention in accordance with the principles of exceptionality, legality, proportionality, and necessity. Above all, promote the application of alternatives to incarceration, by embracing a gender perspective and differentiated approaches. In particular, the State must do whatever it takes to ensure that the Federal Supreme Court's decision on house arrest with a gender perspective is actually implemented in all states.

58. Devise a drug policy with a social reintegration and public health approach, in such a way as to eschew repressive and criminalizing treatment of persons arrested for using or carrying drugs, or who have committed minor offenses due to their problematic use of, or addiction to, drugs.

59. Guarantee dignified treatment of persons in State custody, in accordance with deprivation of liberty standards and bearing in mind the special risks associated with gender or other characteristics of the detained population. In particular, the State must incorporate a gender

³¹¹ Brazil report to the IACHR, December 9, 2022, par. 174, p. 50.

perspective to ensure prison treatment meets the specific women's specific health, gender identity, and social reinsertion needs.

60. *[Facilitate channels through which persons deprived of liberty—including adolescents—can file complaints and reports on how they are treated in the centers without suffering reprisals for doing so. The complaints must be taken seriously and addressed quickly and effectively, making it possible to punish the parties responsible.]*

61. *Immediately initiate, ex officio, effective investigations in accordance with standards, to identify, prosecute and punish those responsible.]*

62. *Take the necessary steps to increase financial and human resources for the mechanisms in place for preventing and combating torture, to boost their effectiveness. Likewise, promote the establishment, implementation, and workings of these kinds of mechanisms in the federative states that still lack them, in accordance with the standards contemplated in the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

63. *Adopt such measures as are needed to ensure that all persons detained in flagrante have access to custody hearing [sic], especially people detained in small towns far from the capita [sic] and those wounded during police raids and subsequently transferred to hospitals.*

64. *[Take the necessary measures to ensure that, at the custody hearings, pre-trial detention is only imposed as an exception and in accordance with the principles of legality, necessity, and proportionality.]*

65. *Guarantee detention conditions adapted to the specific needs of especially vulnerable groups. For women deprived of liberty, the State must ensure that the measures applied adhere to a gender approach. For persons with disabilities deprived of their liberty, the State must make reasonable accommodations to remove the environmental barriers that make it difficult for them to exercise their rights.]*

287. With regard to recommendation 57 to **reduce overcrowding, use pre-trial detention in accordance with inter-American principles, and promote the application of alternatives to incarceration**, the Commission notes that according to official National Penitentiary Department (DEPEN) figures, as of June 2022, while the prison population totaled 654,704 persons, made up of 626,005 men (95.6%) and 28,699 women (4.4%), the official prison capacity was only 470,116,³¹² resulting in overcrowding of 39%. The IACHR also takes note of the 8.29-point reduction in the incarceration rate, from 318.58 in 2021 to 310.29 in 2022.³¹³

288. With regard to the use of pretrial detention, the IACHR noted the figures reported by World Prison Brief showing that as of December 2021, 27.2% of the prison population was being held for pretrial detention.³¹⁴ In connection with the use of alternatives to incarceration, the Commission welcomes the increase in the number of persons benefiting from house arrest in 2022. Specifically, according to official DEPEN data, from January to June 2022 a total of 175,528 persons were under house arrest; of them, 87,448 were required to wear electronic monitoring devices.³¹⁵ This is an increase of 34,536 persons over the 141,002 individuals subject to house arrest in June 2021.³¹⁶

289. In view of the data submitted, the IACHR warns that despite the lower incarceration rate and the increase in the number of persons subject to house arrest, the high number of persons deprived of liberty shows that the use of detention is still prioritized over alternative measures.

³¹² DEPEN, [Levantamento Nacional de Informações Penitenciárias](#). Most recent update on October 18, 2022.

³¹³ DEPEN, [Levantamento Nacional de Informações Penitenciárias](#). Most recent update on October 18, 2022.

World Prison Brief, Institute for Crime & Justice Policy Research, [World Prison Brief data - Brazil](#), 2022.

³¹⁵ DEPEN, [Levantamento Nacional de Informações Penitenciárias](#). Most recent update on October 18, 2022.

³¹⁶ National Secretariat on Criminal Policy, [Segundo Levantamento do Depen, as vagas no sistema penitenciário aumentaram 7.4%, enquanto a população prisional permaneceu estável, sem aumento significativo](#), December 2, 2021.

290. Accordingly, and given that the State did not provide specific information on the actions and measures implemented for this recommendation, the Commission considers compliance with this recommendation to be **partial**.

291. With a view to guiding implementation of this recommendation, the Commission invites the State to reinforce the measures designed to reduce the country's incarceration and overcrowding rates. To that end, it is essential for the State to implement actions that will ensure pretrial detention is imposed only in accordance with the principles of exceptionality, legality, proportionality, and necessity; and to promote the use of alternatives to imprisonment.

292. With regard to recommendation 58 to **devise a drug policy with a social reintegration and public health approach**, the IACHR appreciates and takes note of Brazil's adoption, on the federal government's initiative, of the first National Drug Policy Plan (PLANAD) on May 25, 2022, as part of the National Drug Policy established in April 2019. This plan has four pillars, one of which is geared towards integrating the policies for the care, treatment, and social reinsertion of users, to ensure that all people with problematic or addictive consumption patterns can access health care programs and services. According to official data, this access is through an interconnected network that covers reception in the public health network to treatment in therapeutic communities and follow-up at various agencies, to reintegration into society.³¹⁷ With regard to the prison system, the Plan indicates that a pilot project will be developed to adapt the National Drug Policy virtuous circle to prison policy.³¹⁸

293. Accordingly, the Commission concludes that compliance with this recommendation is **partial**.

294. To steer compliance with this recommendation, the Commission calls on the State to fully implement the PLANAD and to provide updated information thereon. To that end, the Commission invites the State to plan appropriate mechanisms for evaluating the implementation and impact of this policy.

295. The State did not furnish specific data on recommendation 59 to **guarantee dignified treatment of persons in State custody, bearing in mind the special risks associated with gender or other conditions**, with an emphasis on the specific needs of women in health, gender identity, and social reinsertion. However, the IACHR does take note of the State information provided on the Public Prosecutor's Office's ongoing monitoring of the prison system; and the monitoring and promotion of the Association for Protection and Assistance to Convicts (APAC) method: project to humanize the prison system.³¹⁹

296. As indicated, the Commission appreciates Law 14,214 of 2022, which creates the Program to Protect and Promote Menstrual Health for the benefit of women held at criminal or socio-educational units,³²⁰ and salutes the April 2022 approval of Law 14,326, which mandates the humane treatment of women deprived of liberty before, during, and after giving birth, and during the postpartum period, as well as comprehensive health care for those women and their newborns.³²¹ The IACHR also welcomes the National Council on the Rights of Children and Adolescents' adoption of Resolution 233 of December 30, 2022, which establishes guidelines and parameters for socio-educational care for adolescents deprived of liberty in the National Socio-educational Services System (SINASE).³²²

³¹⁷ Serviços e Informações do Brasil, [Brasil tem o primeiro plano nacional de políticas sobre o uso e o combate às drogas](#), May 25, 2022; National Drug Policy System, [National Drug Policy Plan 2022-2027](#), 2022.

³¹⁸ National Drug Policy System, [National Drug Policy Plan 2022-2027](#), 2022, *Iniciativas relacionadas ao Objetivo Estratégico 5*, p. 50.

³¹⁹ Brazil report to the IACHR, December 9, 2022, par. 207 numbers 5 and 10 75-75, pp.58-59.

³²⁰ Federal Senate, [Promulgada lei para distribuição de absorventes às mulheres de baixa renda](#), March 18, 2022; Unicef Brasil, [UNICEF parabeniza Congresso por dar seguimento à lei voltada à dignidade menstrual](#), March 10, 2022.

³²¹ Office of the President of the Republic, [Law 14,326](#), adopted on April 12, 2022.

³²² Imprensa Nacional, [Resolution 233](#), adopted December 30, 2022.

297. Based on the foregoing, and on the actions taken in 2021 to guarantee the rights of LGBTI persons deprived of liberty,³²³ the IACHR considers compliance with this recommendation to be **partial**.

298. To steer compliance with this recommendation, the Commission calls on Brazil to continue adopting measures to guarantee decent treatment of persons in custody, paying attention to the special risks derived from gender or other specific conditions. It also reminds the State of the component of the recommendation focused on implementing actions to ensure women and members of other groups at special risk reintegrate into society.

299. The State did not provide specific information on recommendation 60 to **facilitate channels through which persons deprived of liberty can file complaints and reports on how they are treated in the centers without suffering reprisals for doing so**.

300. In turn, the Human Rights Committee of the Federal District Legislative Chamber reported an increase in the number of complaints made by detained individuals in 2019 and 2021. Specifically, the data indicate that reports of acts of torture and abuse in the Federal District prison system increased by a factor of 37, from 6 reports in 2019 to 222 in 2021. Likewise, complaints of difficulties during visits and the inability to communicate with family members increased over 24 times, from 5 complaints in 2019 to 124 in 2021. Moreover, complaints of poor food quality and unsanitary conditions increased 62 times, from 1 in 2019 to 62 in 2021.³²⁴

301. In addition, according to information published in the media, in the first quarter of 2022, the National Mechanism to Prevent and Combat Torture received a total of 1,227 complaints submitted by incarcerated persons at the Minas Gerais prisons. These complaints addressed overcrowding, inadequate infrastructure, unhealthy conditions, challenges to accessing basic services, lack of medical care, torture, and abuse.³²⁵

302. Along these lines, the IACHR recalls that according to its [Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas](#), persons deprived of liberty have the right to lodge complaints or claims about acts of torture, abuse, or prison violence, as well as concerning prison or internment conditions. Furthermore, the States should facilitate access to these mechanisms, and guarantee that detainees do not suffer reprisals for their complaints or claims.

303. In view of the available information and given the lack of specific information provided by the State, the IACHR concludes that compliance with this recommendation is **pending**.

304. With a view to steering compliance with this recommendation, the Commission calls on the State to, in addition to putting measures in place for detainees to make reports or lodge complaints at the social reinsertion centers, ensure those measures are accessible and confidential so that the individuals who wish to file reports can do so without fear of suffering reprisals. This objective will require institution-building actions for the staff responsible for receiving the complaints.

³²³ IACHR, [Annual Report, Chapter IV-A. Human Rights Development in the Region](#), 2021, pars. 199 and 202. See also: CIDH-IACHR [@CIDH]. (March 24, 2021). *La CIDH saúda a decisão do @STF_oficial, em #18Mar, que garantiu o direito às mulheres trans e travestis privadas de liberdade de decidir se cumpriram suas penas alocadas em estabelecimento feminino ou em área reservada de centro masculino de detenção*. [Tweet]. Twitter. <https://twitter.com/cidh/status/1374856170003968007?s=11>; and CIDH-IACHR [@CIDH], (July 8, 2021). *CIDH saluda la publicación, por parte del Consejo Nacional de Justicia, del manual para la atención de #PersonasPrivadasdeLibertad #LGBTI en el contexto de sistemas de justicia penal y juvenil, para orientar a las magistraturas de todo el país en #DerechosHumanos*. [Tweet]. Twitter. <https://twitter.com/CIDH/status/1413214798968406019?s=20>.

³²⁴ Correo Braziliense, [Comissão entrega à ONU relatório com 983 denúncias sobre sistema prisional do DF](#), February 2, 2022; Globo, [Em três anos, denúncias de tortura e maus-tratos no sistema prisional do DF cresceram 3.600%, diz levantamento](#), February 3, 2022; and Cidade toda, [Sistema prisional: denúncias de tortura e maus-tratos cresceram 3.600%](#), February 3, 2022.

³²⁵ O Tempo, [Ouvidoria recebe 13 denúncias de presídios por dia, incluindo casos de torturas](#), August 24, 2022.

305. The State did not provide specific data on recommendation 61 to **immediately initiate, ex officio, effective investigations in accordance with standards**. The IACHR learned of one conviction for torture and the start of at least two criminal lawsuits against police officers for committing acts of torture, in 2022. Specifically, according to official information, in October 2022, the Second Criminal Court of the District of Rio Branco convicted three police officers for committing the crime of torture against two persons at the time of their arrest; one of the convicted officers was removed from his position and banned from holding any public office, role, or job for double the amount of time of sentence handed down.³²⁶

306. In addition, the IACHR learned about the start of the following investigations from information published in the press: (i) a lawsuit brought in November against six police officers reported by the Ceará Public Prosecutor's Office for committing at least 35 crimes of torture against persons in custody at the Professor Olavo Oliveira Prison Unit in Itaitinga, in September 2022;³²⁷ and (ii) a lawsuit brought in September against two police officers accused of torturing 30 people incarcerated at the Itaobim prison in Minas Gerais in September 2022.³²⁸

307. Despite the investigations and criminal lawsuits that have been started, the IACHR remains concerned about the persistence of acts of torture and abuse in Brazilian prisons. Indeed, it has received information that describes the indiscriminate, unregulated, and potentially illegal use of less-lethal weapons against persons deprived of liberty.³²⁹ Furthermore, according to public information, the MNPCT had registered diverse forms of punishment and abuse against persons in custody at prison units in Alagoas and Minas Gerais.³³⁰

308. In view of the foregoing, and based on the limited information available, which certifies that certain investigations have begun but does not indicate the total number of reports of torture or abuse filed nationally, nor how they have been processed, the IACHR concludes that compliance with this recommendation is **pending**.

309. To steer compliance with this recommendation, the Commission reiterates that, pursuant to its Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, the States shall carry out serious, exhaustive, impartial, and prompt investigations into all acts of violence that have occurred in deprivation of liberty sites, with a view to uncovering the causes, identifying those responsible, and imposing the corresponding punishments. Accordingly, the Commission calls on the State to report information on these investigation and access-to-justice activities.

310. With respect to recommendation 62 on the **mechanisms in place for preventing and combating torture**, the IACHR refers to its analysis of recommendation 1(c) on the institutional underpinning of human rights, and to what has been set out several times throughout this document on the matter and considers compliance with this recommendation to be **partial**.

³²⁶ Court of Justice of the State of Acre, [Poder Judiciário do Estado do Acre, Justiça condena três policiais por tortura em Rio Branco](#), October 17, 2022.

³²⁷ Globo, [Seis policiais penais viram réus em denúncia de tortura contra detentos em presídio do Ceará](#), November 15, 2022; No cariri tem, [Seis policiais penais viram réus em denúncia de tortura contra detentos em presídio do Ceará](#), November 15, 2022. State of Ceará Public Prosecutor's Office, [Operação do MPCE e CGD prende policiais penais suspeitos de crime de tortura contra detentos](#), October 17, 2022.

³²⁸ Notícias R7, [Policiais penais suspeitos de tortura contra 30 presos têm prisão preventiva decretada](#), September 30, 2022; Itatiaia, [Justiça decreta prisão preventiva de policiais penais por tortura contra 30 detentos](#), September 30, 2022; and Regionalização, [Policiais penais são presos por tortura contra 30 detentos em Minas Gerais](#), September 30, 2022.

³²⁹ See Chapter IV-A "Human Rights Development in the Region." On this particular issue, see IACHR, Request for public hearing for the 185 Period of Sessions, August 13, 2022, IACHR archives.

³³⁰ TNH1, [Após fuga de reeducando, relatório aponta castigos e retaliações no Presídio do Agreste](#), October 10, 2022; and O Tempo, [Ouidoria recebe 13 denúncias de presídios por dia, incluindo casos de torturas](#), August 24, 2022.

311. To steer implementation of this recommendation, the Commission invites the State to ensure that these mechanisms operate effectively and are afforded sufficient human and material resources to do so.

312. The State did not provide specific information on recommendation 63 to **ensure that all persons detained in flagrante have access to custody hearings**. The IACHR notes with concern that, as per official public information, in March 2020, the National Justice Council postponed resumption of the in-person custody hearings that had been suspended in March 2020 due to the pandemic; they will be resumed in January 2023.³³¹

313. Civil society organizations informed the Commission that video-conference hearings jeopardize the detection and prevention of torture, as they make it impossible to inspect any intimidation or coercion that the person in custody could be suffering; and that rates of accounts of torture have fallen 83% since the start of the pandemic, but deaths from police violence increased 53% from 2019 to 2020.³³²

314. The IACHR also takes note of Bill 1,286 of 2022, which would amend Article 310 of the Code of Criminal Procedure on custody hearings and is currently in initial processing by the Senate (in the chamber where it originated). This bill establishes that, if an authority refuses to hold a custody hearing within 24 hours without due grounds, it will be held criminally, administratively, and civilly responsible. The bill also stipulates that the failure to hold a custody hearing will invalidate the legality of the arrest. However, the Commission is concerned that this same bill also establishes that custody hearings will only be mandatory for first-time offenders.³³³ The IACHR considers that if the bill is approved, this provision will violate the principles of equality and nondiscrimination insofar as it will exclude detained repeat offenders from access to custody hearings, which will constitute an unreasonable difference in treatment.³³⁴

315. The IACHR reiterates that holding custody hearings by videoconference could make it more difficult to identify signs of torture or abuse. Furthermore, the virtual environment could make persons deprived of liberty feel intimidated or coerced when lodging their respective complaints.³³⁵

316. Based on the available information, the Commission finds compliance with this recommendation to be **pending**.

317. To steer compliance with this recommendation, the IACHR calls on the State of Brazil to increase its efforts to ensure that all detained persons are physically present at their custody hearings.

318. The State did not provide specific information on recommendation 64 to **ensure that, at the custody hearings, pre-trial detention is only imposed in accordance with inter-American principles**. The IACHR was concerned to receive information indicating that the vast majority of detainees who are presented to a judicial authority in the first 24 hours after their in flagrante arrest are put in pretrial detention. Specifically, official data compiled by the Association for the Prevention of Torture show that 229,899 hearings were recorded in the national database between November 2021 and October 2022. In 92,644 of them, the detainees were released and in 136,183, they were assigned pretrial detention. These figures show that the

³³¹ ACMP, [Retorno das audiências de custódias presenciais é adiado](#), October 13, 2022; National Justice Council, [CNI define regras para o retorno ao trabalho presencial de magistrados e servidores](#), November 8, 2022; Folha de S. Paulo, [Con prórroga, el regreso de las audiencias presenciales de custodia es para 2023](#), October 21, 2022.

³³² IACHR, [Public hearing "Use of virtual hearings in criminal proceedings in the region in the context of the COVID-19 pandemic"](#), 180 Period of Sessions, June 30, 2021. Information provided by civil society.

³³³ Agência Senado, [Projeto restringe audiência de custódia a pessoa no reincidente o con buen historial](#), July 27, 2022.

³³⁴ IACHR, [Compendium on Equality and Non-Discrimination. Inter-American Standards](#), OEA/Ser.L/V/II.171, Doc. 3, approved on February 12, 2019.

³³⁵ CIDH-IACHR [@CIDH]. (June 23, 2020). *La CIDH fue informada sobre discusión en el Consejo Nacional de Justicia en los próximos días, respecto de la posibilidad de realización de Audiencias de Custodia por videoconferencia.* [Tweet]. Twitter. <https://twitter.com/cidh/status/1275524680506576898>

preventive custody rate is approximately 59%.³³⁶ In the state of Rio de Janeiro, this rate is even higher. According to data provided by the Rio de Janeiro Public Defender's Office and compiled by the Association for the Prevention of Torture, from January to September 2022, around 75% of the people given a custody hearing were put in pretrial detention.³³⁷

319. On this point, the IACHR recalls that pretrial detention must only be imposed exceptionally, in consideration of the right to be presumed innocent, and pursuant to the criteria of legality, necessity, and proportionality.³³⁸

320. Based on the available information, the Commission finds compliance with this recommendation to be **pending**.

321. With a view to steering compliance with this recommendation, the IACHR calls on the State of Brazil to adopt institution-building measures to ensure that the decision to impose pretrial detention at custody hearings is made pursuant to inter-American principles. These measures may include training activities for justice workers on the matter, as well as the adoption and implementation of protocols and other related regulations.

322. The State did not provide data to verify compliance with recommendation 65 to **guarantee detention conditions adapted to the specific needs of especially vulnerable groups, with a special emphasis on women and persons with disabilities deprived of liberty**.

323. With respect to improving the detention conditions for women and other groups at special risk, the Commission refers back to its analysis of the third recommendation in this section. According to data from the National Prison Ministry, in general prison units lack the appropriate infrastructure to meet the special needs of persons with disabilities deprived of liberty. For example, they are not equipped with bars to support movement and physical activity and allow the persons with disability to stand up and use the bathrooms and other areas of the units outside the cells. In some facilities, cells are located on the ground floor and the virtual visiting room is on the second floor, which, given the lack of elevators, makes access difficult for persons with physical disabilities.³³⁹ Prisons do not provide materials like wheelchairs or crutches, and lack specialized professionals to serve this group, meaning that in practice, other prisoners end up caring for the persons with disabilities in custody.³⁴⁰

324. Therefore, the IACHR finds that compliance with this recommendation is **pending**.

325. To steer compliance with this recommendation, the Commission calls on the Brazilian State to adopt all the necessary measures to guarantee that detention conditions are adequate to meet the specific needs of especially vulnerable groups, including women and persons with disabilities deprived of liberty. On this point, the Commission recalls that the Inter-American Court of Human Rights has indicated that the States have the obligation to protect the right to accessibility for incarcerated persons with disabilities, and to guarantee the principle of nondiscrimination and the interconnected elements of health protection. In addition,

³³⁶ APT, Contributions from the Association for the Prevention of Torture to preparation of Chapter V of the Annual Report on Brazil, November 9, 2022, IACHR Archives; APT, [Brazil: Supreme Court ruling a major victory for torture prevention](#), May 13, 2022.

³³⁷ APT, Contributions from the APT for preparation of Chapter V of the Annual Report on Brazil, November 9, 2022, IACHR Archives.

³³⁸ IACHR, [Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas](#), OEA/Ser.L/V/II.163. Doc. 105, July 3, 2017, par. 231. Recommendation A "General Measures Related to Matters of State Policy," (hereinafter *Report on measures aimed at reducing the use of pretrial detention in the Americas*), par. 1.

³³⁹ National Prison Ministry, ["O que impera é a vingança pura" – a situação dos presos com deficiência nos cárceres](#), June 24, 2022.

³⁴⁰ National Prison Ministry, ["O que impera é a vingança pura" – a situação dos presos com deficiência nos cárceres](#), June 24, 2022.

the States must adapt the environment so that persons with any type of impairment can be as independent as possible.³⁴¹

HUMAN RIGHTS DEFENDERS

66. Strengthen and endow the Human Rights Defenders Protection Program with the structural facilities it needs to guarantee effective and comprehensive protection for human rights defenders, including the signing of state agreements to ensure actual implementation of that program nationwide. Similarly, ensure effective coordination with the security agencies responsible for implementing the program measures, so as to guarantee full compliance with the program.

67. Guarantee effective and comprehensive implementation of the measures to protect human rights defenders, especially those located in rural areas far from urban centers.

68. Investigate, with due diligence, all acts of violence against human rights defenders, bearing in mind any intersection with other especially at-risk groups mentioned in this Report, assuming as an investigative hypothesis, that those acts were committed in retaliation for their activities in defense of human rights.

69. Promote dissemination of the legal provision seeking to federalize crimes committed against human rights defenders.

70. Adopt pro-active measures to foster a human rights culture and an environment free from violence and threats, recognizing the value and importance of the work done by human rights defenders in reaffirming the validity of democratic institutions and of a State governed by the rule of law.

326. Regarding recommendation 66 to **strengthen and endow the Human Rights Defenders Protection Program with the structural facilities it needs to guarantee effective and comprehensive protection for human rights defenders**, the State reported that Ordinance 507 of February 21, 2022, regulated the decrees on the Program for the Protection of Human Rights Defenders, Media Workers, and Environmentalists (PPDDH) to reinforce the objective of coordinating protection measures for persons threatened as a result of their work to defend human rights should they find themselves in a risky or vulnerable situation, to ensure they are treated humanely and can continue to do their work.³⁴²

327. The State highlighted that the PPDDH serves not only to protect the lives and physical integrity of defenders, but also to coordinate measures and actions for overcoming the issues behind the threats and risky situations, for which various federative entities must cooperate.³⁴³ It also indicated that the PPDDH's highest decision-making authority is the Deliberative Council, formed by government and civil society representatives and responsible for developing, monitoring, and evaluating program actions; defining strategies to coordinate with the branches of the federal government, the states, federal district, and municipalities; and deciding to include, not include, or release human rights defenders from the program; among other duties.³⁴⁴ The Commission received information from the Brazilian Committee of Human Rights Defenders on the lack of transparency and disclosure of the process through which the members of the Deliberative Council are chosen, and was told that the period of outreach to civil society organizations for registration and participation was too short.³⁴⁵

³⁴¹ Inter-American Court of Human Rights, Case of Chinchilla Sandoval v. Guatemala. Preliminary Objection, Merits, Reparations and Costs. Judgment of February 29, 2016. Series C No. 312, par. 214.

³⁴² Brazil report to the IACHR, December 9, 2022, par. 210, p. 61.

³⁴³ Brazil report to the IACHR, December 9, 2022, pars. 212-231, pp. 61-66.

³⁴⁴ Brazil report to the IACHR, December 9, 2022, par. 216, p. 63.

³⁴⁵ Terra de Direitos, [Sociedade civil denuncia falta de transparência do governo federal no Programa de Proteção de Defensores](#), March 31, 2022.

328. The IACHR also received official information indicating that the PPDDH is a nationwide program that is being executed through agreements signed by the respective states with the federal government. The State highlighted that from 2020 to 2022 new protection programs were implemented in four states: Rio Grande do Sul, Mato Grosso, Paraíba, and Amazonas; the latter is in the implementation stage. These programs joined existing ones in Rio de Janeiro, Maranhão, Pará, Minas Gerais, Bahia, Pernambuco, and Ceará, meaning that 11 states currently have agreements in force with the federal government. In states that do not, collaborative agreements are signed with civil society organizations.³⁴⁶

329. The State also highlighted the implementation, from 2020 to 2023, of a pilot project to regionalize two technical teams from the federal program: one in the region of Dourados, in Mato Grosso do Sul, and another in the city of Porto Velho, in Rondônia. The idea of this project is to develop a pilot methodology for regionalizing protection and training activities to help at-risk/threatened leaders and communities protect themselves.

330. The Commission views the country's progress in establishing these new protection programs in a positive light, given that in 2021 only eight states had them in place, according to information provided by the State that year.³⁴⁷ However, it has also received information on various challenges that have arisen within the PPDDH.

331. According to civil society organizations, the state-level programs protect defenders more effectively, because they understand the context better and can mobilize security forces more easily. However, only three of the nine states in the Legal Amazon have programs, even though that area of the country has the highest rate of conflicts over territories and natural resources. Although the state of Amazonas signed an agreement with the federal program four years ago and received federal financing, it was not until June of 2022 that it would start to provide protection. In addition, while the state of Pará does have a program, defenders there argue that it provides insufficient protection. Furthermore, they suspect the police officers are colluding with the criminal groups and cannot be trusted.³⁴⁸

332. Amnesty International also identified challenges in the PPDDH, namely: the lack of a mechanism for civil society participation; the failure to develop a comprehensive protection policy that includes racial and gender perspectives and the needs of specific groups and collectives; and the fact that there is no guarantee that the state protection programs will be implemented.³⁴⁹ In turn, the organization Human Rights Watch found that although both federal and state programs are supposed to be able to mobilize police, prosecutors, environmental agencies, and other government bodies to support defenders, those agencies do not always respond adequately.³⁵⁰

333. Considering that the State has adopted some compliance measures but still needs to implement several additional actions, the Commission considers compliance with this recommendation to be **partial**.

334. To steer compliance with this recommendation, the IACHR considers it essential to invite the State of Brazil to adopt additional measures to ensure effective program implementation throughout the country, emphasizing the regions where more guarantees of protection are needed. It is also essential for the State to ensure that the human rights defenders protection programs have enough human and material resources at their disposal to operate. Also, the State must report on how it handles the challenges of the PPDDH's capacity to coordinate the involved agencies.

³⁴⁶ Brazil report to the IACHR, December 9, 2022, pars. 217-228, pp. 64-65.

³⁴⁷ IACHR, [Annual Report 2021, Chapter IV.A](#), par. 197.

³⁴⁸ Human Rights Watch, [How to Protect Forest Defenders in Brazil](#), October 14, 2022.

³⁴⁹ Amnesty International, [Brazil: Human rights under assault](#), April 1, 2022.

³⁵⁰ Human Rights Watch, [How to Protect Forest Defenders in Brazil](#), October 14, 2022.

335. On recommendation 67 to **guarantee effective and comprehensive implementation of the measures to protect human rights defenders, especially those located in rural areas far from urban centers**, the State reported that as of March 2022, the state and federal programs had together supported a total of 783 defenders. As for the defenders monitored by the PPDDH federal program, they mostly work to support land rights and the rights of traditional communities and peoples, specifically *quilombola*, riverside, and indigenous ones.³⁵¹

336. That said, in following up on its precautionary measures, the Commission has become aware of certain difficulties facing the PPDDH. In Precautionary Measure No. 449-22 the beneficiaries' representatives pointed out the PPDDH's inefficiency, reporting that although it initiated contact with the individuals who had been threatened, they did not receive a response or protection measures; furthermore, even though their cases were transferred from the federal program to the Amazonas state one after it was established, this did not translate into concrete protection measures.³⁵² Along the same lines, during follow-up on Precautionary Measure No. 408-22, the Commission was informed that although the beneficiary was included in the PPDDH, the protection measures were ineffective because police protection was provided in only two places, and whenever a police escort was requested, the beneficiary received no response or a refusal.³⁵³ In turn, the United Nations team in Brazil identified challenges to developing risk-assessment and protective measures sensitive to race, gender, and ethnic origin.³⁵⁴

337. Furthermore, United Nations experts warned that the measures in place to protect women human rights defenders are ineffective, and expressed their concern over the PPDDH's instability, incompetence, and lack of clarity.³⁵⁵ Therefore, the IACHR considers compliance with this recommendation to be **pending**.

338. To steer compliance with this recommendation, the Commission calls on the State to adopt measures to protect human rights defenders that will be accessible through transparent procedures and will address the specific characteristics of individuals living in the outskirts and areas far from city centers.

339. In its report, the Commission recommended that the Brazilian State **investigate with due diligence acts of violence against female human rights defenders and other groups at special risk mentioned in the report, assuming as an investigative hypothesis, that those acts were committed in retaliation for their activities in defense of human rights**.

340. The Commission has not received information about progress made on the investigations of crimes committed against defenders. In the case of the murder of defender Marielle Franco, the IACHR notes with concern the complaints made by international organizations, activists, and her family members due to the persistent impunity four years on.³⁵⁶ Amnesty International specified that although two men were charged with murdering her, investigations have yet to establish who ordered the killing.³⁵⁷

³⁵¹ Brazil report to the IACHR, December 9, 2022, par. 232, p. 66.

³⁵² IACHR, [Resolution of Precautionary Measures 59/2022](#), Identified members of the "União dos Povos Indígenas do Vale de Javari" -

UNIVAJA (Union of Indigenous Peoples of Vale do Javari - UNIVAJA), October 27, 2022, pars. 23 and 24.

³⁵³ IACHR, [Resolution 34/2022](#), Precautionary Measures No. 408-22, Benny Briolly Rosa da Silva Santos and members of her work team regarding Brazil, July 11, 2022, par. 11.

³⁵⁴ United Nations, Human Rights Council, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights in connection with the Universal Periodic Review](#), A/HRC/WG.6/41/BRA/2, August 25, 2022, par. 24.

³⁵⁵ UOL Notícias, [Relatores da ONU denunciam violência contra candidatas negras no Brasil](#), January 5, 2022; Jornal de Angola, [ONU denuncia violência contra candidatas negras](#), January 6, 2022; Esquerda Online, [Relatores da ONU enviam carta ao governo brasileiro, denunciando violência contra candidatas e parlamentares negras no Brasil](#), January 5, 2022.

³⁵⁶ Swissinfo, [Amnistía Internacional recuerda cuatro años de asesinato de Marielle Franco](#), March 11, 2022; Telesur, [Piden en Brasil esclarecer asesinato de Marielle Franco](#), March 14, 2022; Civicus, [Brazil: Shocking Violence on HRDS and Journalists Continues](#), April 26, 2022.

³⁵⁷ Amnesty International, [Brazil: Human rights under assault](#), April 1, 2022.

341. Civil society organizations have indicated that the impunity for crimes committed against defenders has contributed to increased acts of aggression, especially against environmental defenders.³⁵⁸

342. The IACHR has observed that in 2022, acts of violence against human rights defenders continued to be registered in Brazil, especially against people defending the land, their territories, and the environment. The Commission knows of at least 12 human rights defenders who were murdered between January and September 2022.³⁵⁹ Moreover, the United Nations Special Rapporteur on the rights to peaceful assembly and of association expressed his consternation over the levels of violence against human rights defenders, traditional communities, including *quilombolas* and indigenous peoples, and community leaders in the favelas.³⁶⁰

343. Amnesty International's statement on this issue is noteworthy, as it asserts that the federal administration's policies have effectively given a green light to criminal networks (mafias) that are driving deforestation of the Amazon and physically attack and intimidate forest defenders, whether environmental enforcement agents, indigenous communities, or other residents. Furthermore, it added, the individuals responsible are rarely brought to justice.³⁶¹

344. In turn, the United Nations team in Brazil indicated that it had received reports of poor access to justice, a lack of accountability, and generally unsafe conditions for human rights defenders; and that entire communities that denounce human rights violations are exposed to death threats and intimidation. Accordingly, the team recommended that Brazil expand government programs for preventing and investigating threats, attacks, and killings, and, in order to fight impunity, conduct robust investigations into and prosecute the parties who threaten, attack, or kill human rights defenders.³⁶² Therefore, the IACHR considers compliance with this recommendation to be **pending**.

345. To steer implementation of this recommendation, the Commission calls on the State to adopt and report specific compliance measures, underscoring that the most effective way to protect human rights defenders is to effectively investigate the acts of violence against them and punish those responsible, which at same time makes it possible to identify and deal with the causes of these acts, and thereby prevent repetition.³⁶³ The investigations must consider the hypothesis that the specific crimes were committed as reprisals for the defender's defense activities.

³⁵⁸ Mongabay, [In Brazil, an indigenous land defender's unsolved killing is the deadly norm](#), June 27, 2022.

³⁵⁹ IACHR, Press release 244/22 - [IACHR: Ongoing Violence Against Human Rights Defenders Recorded in Second Quarter of 2022](#), November 2, 2022; IACHR, Press release 114/22 - [IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work](#), May 25, 2022. In July, Guarani Kaiowá indigenous defender Marcio Moreira was murdered in Amambai in the state of Mato Grosso do Sul, as was Severino Bernardo da Silva, a member of the Rural Landless Workers Movement in Pedras de Fogo, Paraíba. In June, Guarani Kaiowá indigenous defender Vitor Fernandes was murdered in Amambai, in the state of Mato Grosso do Sul, and the campesino defender Wesley Flávio da Silva was killed in Campo Novo de Rondônia municipality, Rondônia. The IACHR also condemned the murders of journalist Dom Phillips and defender and expert on indigenous peoples Bruno Araújo Pereira, who were last seen on June 5, 2022, in the community of São Rafael. In May, Guarani Kaiowá indigenous defender Alex Vasques Lopes was murdered near the Taquaperi reserve in Coronel Sapucaia, Mato Grosso do Sul. On February 17, the lifeless bodies of Ilma Rodrigues dos Santos, of the League of Poor Campesinos, and her husband Edson Lima Rodrigues were found in the municipality of Porto Velho, in the state of Rondônia. On February 10, nine-year-old Jonas de Oliveira dos Santos was murdered in the municipality of Barreiros, state of Pernambuco, allegedly in retaliation against his father, community leader Geovane da Silva Santos, who was injured in the attack. On January 16, LGBTI activist Gabriel de Souza Araujo, member of the Landless Workers Movement, was murdered in the municipality of Nova Venécia, in the state of Espírito Santo. Previously, the IACHR had condemned the murders of environmental defender José Gomes, his wife Marcia, and their underage daughter Joene in the São Félix do Xingu region of the state of Pará, as well as the murder of land rights defender José Francisco Lopes Rodrigues in the community of Cedro in Arari, state of Maranhão.

³⁶⁰ United Nations, [Brazil: UN expert decries erosion of democracy, urges safe space for civil society](#), April 22, 2022.

³⁶¹ Human Rights Watch, [If Brazil Wants to Join OECD, Protect Environmental Defenders](#), July 21, 2022.

³⁶² United Nations, Human Rights Council, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights in connection with the Universal Periodic Review](#), A/HRC/WG.6/41/BRA/2, August 25, 2022, pars. 17-18.

³⁶³ IACHR, [Report on the situation of human rights defenders and social leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262 December 6, 2019, par. 226.

346. The State did not submit information on recommendation 69 to **promote dissemination of the legal provision seeking to federalize crimes committed against human rights defenders**. Consequently, the Commission does not have enough information to analyze the State's level of compliance with this recommendation and considers it to be **pending**.

347. With a view to steering implementation of this recommendation, the Commission calls on the State to report on the legislative process carried out to federalize the crimes committed against human rights defenders, and the stages of that process.

348. Neither did the State present information on recommendation 70 to **adopt pro-active measures to foster a human rights culture and an environment free from violence and threats, recognizing the value and importance of the work done by human rights defenders in reaffirming the validity of democratic institutions and of a State governed by the rule of law**.

349. The Commission is aware of the stigmatizing speeches made by State authorities, as well as the measures that would lead to a hostile environment for human rights defenders. The SRFOE, for example, expressed its concern over public statements made by high-level government authorities on the murders of Dom Phillips and Bruno Araújo Pereira, in which the victims' legitimate activities were described as an ill-advised adventure in a wild region.³⁶⁴

350. In addition, Amnesty International expressed its concern over 10 bills currently up for consideration by the National Congress that would increase surveillance and policing of human rights defenders under the guise of national security. According to the organization, Bill 272/2016 and Bill 1595/2019 are especially concerning as both incorporate broad concepts of "terrorism" to criminalize social movements.³⁶⁵

351. In view of the foregoing, the IACHR needs more information and has observed that violence against defenders continues due to the State's inefficient prevention measures and failure to punish perpetrators, and accordingly, concludes that State compliance with this recommendation is **pending**.

352. To guide the compliance process, the Commission invites the State to foster implementation of measures that recognize the importance of the work done by human rights defenders and the importance of ensuring they can do their jobs without risk. These actions may include, for example, mechanisms to raise awareness of and promote a culture of human rights; public policies; outreach campaigns; and pedagogical actions with a broad social impact.

HUMAN TRAFFICKING

71. Step up actions to prevent, protect, and assist victims of trafficking in persons by implementing the Third National Plan to Address Trafficking in Persons (2018-2022), fostering cooperation with states, municipalities, civil society organizations, academia, and international organizations specializing in all facets of public policies.

353. In connection with this recommendation, the State reported that the Federal Police is working with international organizations, the Labor Public Prosecutor's Office, Interpol, and other countries' police departments to investigate cases of human trafficking; that the PPDDH has supported a defender involved in the fight against human trafficking; and that it is working to construct a national policy on crime victims.³⁶⁶

³⁶⁴ IACHR, Press release [R138/22 - La RELE condena los asesinatos de los beneficiarios de medidas cautelares, el periodista Dom Phillips y el experto en pueblos indígenas Bruno Araújo Pereira en Brasil](#), June 18, 2022.

³⁶⁵ Amnesty International, [Brazil: Human rights under assault](#), April 1, 2022, par. 6.

³⁶⁶ Brazil report to the IACHR, December 9, 2022, pars. 240-241, p. 67.

354. In turn, the IACHR takes note that the Institute of Applied Economic Research has indicated that government agencies like the Ministry of Justice and Public Security, the Secretariat of Labor and Social Security, and the Federal Police all have their own approaches and methodologies for counting cases of human trafficking. This leads to significant variability in the number of reported victims and makes it difficult to perform a diagnostic assessment.³⁶⁷ The Commission also observes that an investigation performed by government and civil society organizations found that the imprecision of the data on human trafficking hinders the development of strategies for prevention, protection, assistance, and punishment that are sensitive to the victims' characteristics (like gender, age, ethnicity, nationality) and the trends, causes, and consequences of the crimes.³⁶⁸

355. The IACHR notes that the Observatory for Decent Work by Brazilian Municipalities and Observatory to Eradicate Slave Labor and Human Trafficking databases were not updated from 2018 to 2021, and that on August 17, 2021, the National Committee of the Public Prosecutor's Office for Combating Labor in Conditions Similar to Slavery and Human Trafficking (CONATETRAP) sent a report to the Labor Public Prosecutor's Office to update them;³⁶⁹ however, to date neither up-to-date data on the profile of victims of human trafficking nor disaggregated information is available.³⁷⁰

356. With regard to the pillar of prevention, the Commission emphasizes that the Ministry of Justice and Public Security, in charge of providing technical and administrative support for implementation of the Third National Plan to Address Trafficking in Persons,³⁷¹ signed cooperation agreements with the National Council of the Public Prosecutor's Office to train employees of government agencies for the protection of women³⁷² and health sector workers³⁷³ on coordinating prevention, best practices, data and information, and joint actions.³⁷⁴ The IACHR also observes that the National Justice Council, in cooperation with the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) launched the "Brazil without human trafficking" campaign, which distributes information on recruiter tactics, reporting channels, and victim assistance services.³⁷⁵

357. With regard to protecting and assisting victims of human trafficking, the IACHR observes that the International Organization for Migration (IOM), as part of its cooperation with the State of Brazil, published a pamphlet in 2022 on setting up care protocols for victims of human trafficking.³⁷⁶ In addition, in August 2022, the Ministry of Justice and Public Security announced a call for proposals to finance the: (i) creation of Centers to Combat Human Trafficking in states that do not have them, and implementation of humanitarian aid stations for migrants in states that already do; and (ii) strengthening of the network of Centers to Combat Human Trafficking;³⁷⁷ the results of this call for proposals are not available yet. The IACHR learned that only 15 states and the Federal District have a Center to Combat Human Trafficking. The following states do not: Alagoas,

³⁶⁷ Institute of Applied Economic Research, [Uma Solução em busca de um problema: repensando o enfrentamento ao tráfico de pessoas no Brasil](#), 2022, pp. 51-52.

³⁶⁸ Brazilian Association for the Defense of Women, Children, and Young People, et al., [Mapeamento do Tráfico de Pessoas no Brasil, características da exploração sexual de crianças, adolescentes e pessoas adultas e suas relações com as rodovias federais brasileiras](#), 2021, pp. 102-103.

³⁶⁹ CONATETRAP, [Relatório anual sobre as atividades do Comitê](#), 2021, p. 8.

³⁷⁰ See: [Observatory to Eradicate Slave Labor and Human Trafficking](#).

³⁷¹ Office of the President of the Republic, [Decree 9,440 of July 3, 2018](#), July 19, 2018, Article 8.

³⁷² Ministry of Justice and Public Security, [MJSP e OIM realizam formação sobre Tráfico de Pessoas e Assistência às Vítimas](#), October 24, 2022.

³⁷³ Brazilian Federation for the Defense of Human Rights, [MJSP firma acordos de cooperação para ampliar atendimento a vítimas de tráfico de pessoas](#), July 30, 2021.

³⁷⁴ National Council of the Public Prosecutor's Office, [CNMP e Ministério da Justiça planejam acordo de cooperação para enfrentamento do tráfico de pessoas](#), September 6, 2022.

³⁷⁵ R4V, [BRA - Situation Report - July 2022](#), September 16, 2022.

³⁷⁶ IOM and Ministry of Justice and Public Security, [Cartilha de orientação para a construção de fluxos de atendimento a vítimas de tráfico de pessoas](#), May 10, 2022.

³⁷⁷ Ministry of Justice and Public Security, [Aberta seleção de projetos para fortalecimento do combate ao tráfico de pessoas](#), August 23, 2022.

Espírito Santo, Mato Grosso do Sul, Paraíba, Piauí, Rio Grande do Norte, Roraima, Rondônia, Santa Catarina, Sergipe, and Tocantins.³⁷⁸

358. With regard to actions for identifying and rescuing victims of human trafficking, the IACHR notes that, according to the Ministry of Labor, Operation Rescue II³⁷⁹ was executed in July 2022. This operation rescued 149 victims and 337 persons who were stuck in slavery-like work situations, including 5 children and adolescent migrants from Venezuela and Paraguay.³⁸⁰

359. The IACHR also notes that the IOM and the National Justice Council found that between 2010 and 2020, 612 judicial decisions were made on human trafficking cases.³⁸¹ They concluded that this number was low, and that the State would therefore have to develop strategies to improve access to justice for victims and strengthen prosecution of the crime of human trafficking.³⁸²

360. Furthermore, an investigation conducted by the IOM, National Justice Council, and Federal University of Minas Gerais (UFMG) that analyzed 144 lawsuits on the international trafficking of persons, found that those cases involved 714 victims: 688 women, 6 men, 44 migrants, and 614 domestic victims.³⁸³ The investigation found that, on average, lawsuits last eight years and three months, and that to shorten this time, the National Justice Council should prioritize, in its targets, prosecution of the crime of trafficking in persons; this target was included from 2017 to 2020 but not in 2021 or 2022.³⁸⁴

361. Accordingly, the Commission finds that compliance with this recommendation is **partial**.

362. To steer compliance with this recommendation, the IACHR reaffirms the importance of implementing the National Plan to Combat Human Trafficking as a strategic linchpin for the medium and long-term continuity and sustainability of actions. The IACHR also emphasizes the importance of improving coordination among agencies from different branches, as well as among state and federal agencies, with civil society participation. Consequently, the Commission urges the State to continue strengthening its measures to prevent human trafficking and protect and assist victims through specific actions that could include institution-building mechanisms and public policies.

FORCED INTERNAL DISPLACEMENT

72. Draft and implement public policies for repressing violence and other factors that trigger internal displacement, specifically among campesino populations and rural workers who are forced to abandon the territories they originally came from due to the violence in rural areas.

73. Draw up and implement a regulatory framework with specific laws on identifying and protecting persons and protecting the victims of forced internal displacement in Brazil.

363. The State did not submit much information on the recommendation to **draft and implement public policies for repressing violence and other factors that trigger internal displacement**. In turn, the

³⁷⁸ Ministry of Justice and Public Security, [Resultado preliminar da seleção de projetos para o combate ao tráfico de pessoas é publicado](#), October 18, 2022.

³⁷⁹ The Labor Inspection Department, Labor Public Prosecutor's Office, Federal Public Prosecutor's Office, Federal Public Defender's Office, Federal Police, and Federal Roads Police all participated in this operation.

³⁸⁰ Ministry of Labor and Social Security, [Operação Resgate II retira 337 trabalhadores de condições análogas à escravidão](#), July 28, 2022.

³⁸¹ National Justice Council and IOM, [Tráfico de Pessoas em Números: Processos Judiciais](#), 2021.

³⁸² National Justice Council and IOM, [Tráfico de Pessoas em Números: Processos Judiciais](#), 2021.

³⁸³ IOM and the UFMG School of Law Clinic on Slave Labor and Human Trafficking, [Tráfico Internacional de Pessoas no Brasil: Crime em movimento, justiça em espera. Relatório de avaliação de necessidades sobre o tráfico internacional de pessoas e crimes correlatos](#), pp. 39-41.

³⁸⁴ IOM and the UFMG School of Law Clinic on Slave Labor and Human Trafficking, [Tráfico Internacional de Pessoas no Brasil: Crime em movimento, justiça em espera. Relatório de avaliação de necessidades sobre o tráfico internacional de pessoas e crimes correlatos](#), p. 153.

IACHR notes that, according to Internal Displacement Monitoring Centre (IDMC) figures, by the end of 2021, 21,000 people had been displaced by third-party violence. Over half of the displaced persons were indigenous people; violence committed by land-grabbers and farmers accounted for 44% of the cases.³⁸⁵ The IACHR also notes with concern that in the cases documented by civil society organizations, indigenous peoples and campesino communities continue to be threatened and attacked by people and groups interested in the economic exploitation of their territories;³⁸⁶ these situations have been reported to the Inter-American Court of Human Rights.³⁸⁷

364. In 2021, civil society organizations registered a total of 1,295 land conflicts, which affected 164,782 families.³⁸⁸ That same year, 2,143 families were evicted due to conflicts over land ownership, 237 more than in 2020. What is more, in 2021, 6,269 families were affected by the destruction of their homes, 8,306, by the destruction of their belongings, and 3,885, by the destruction of their crops.³⁸⁹

365. In addition, according to the IDMC, in 2021, 411,000 flood displacements were registered in Brazil.³⁹⁰ The IACHR finds that thousands of flood displacements were also registered in 2022, in several states. For example: (i) in January, approximately 62,156 people were displaced and 30,306 were left homeless in the state of Bahía;³⁹¹ (ii) in May, approximately 24,000 people were displaced in the states of Alagoas and Pernambuco,³⁹² and (iii) in December, a total of 5,309 persons were displaced in Minas Gerais.³⁹³

366. The IACHR specifies that it has not received information on actions implemented by the State to eliminate violence and other factors that trigger internal displacements. Accordingly, it concludes that compliance with this recommendation is **pending**.

367. To steer implementation of this recommendation, and pursuant to the Guiding Principles on Internal Displacements, the Commission calls on the State to adopt specific measures to prevent forced internal displacements through public policies. It also maintains that the obligation of due diligence in connection with the processes of investigation, punishment, and reparations to victims of forced internal displacement must serve as a mechanism to prevent the situations that lead to displacement.³⁹⁴

368. The State did not present specific information on the recommendation to **draw up and implement a regulatory framework with specific laws on identifying and protecting persons and protecting the victims of forced internal displacement in Brazil**. The IDMC indicated that 2021 was the first year it was able to obtain data on persons displaced by violence in Brazil.³⁹⁵

369. The IACHR did not receive information on State initiatives to create a regulatory framework for identifying and protecting internally displaced persons, and it notes that the lack of data makes it difficult

³⁸⁵ IDMC, [Global Report on Internal Displacement 2022](#), May 19, 2022, pp. 78, 161.

³⁸⁶ Indigenous Missionary Council (CIMI), [Report: Violence Against Indigenous Peoples in Brazil, 2021 Data](#), 2022; Amnesty International, [Report 2021/22: the State of the World's Human Rights](#), 2022, p. 80.

³⁸⁷ Inter-American Court of Human Rights, [Asunto Miembros de los Pueblos Indígenas Yanomami, Ye'kwana y Munduruku respecto de Brasil](#), July 1, 2022, par. 40; IACHR, [Resolution 86/21 - PM 869-21 - Antônio Martins Alves](#), October 21, 2021, par. 5.

³⁸⁸ Pastoral Land Commission, [Conflitos no Campo Brasil 2021](#), 2022, pp. 21, 26.

³⁸⁹ Pastoral Land Commission, [Conflitos no Campo Brasil 2021](#), 2022, pp. 116-117.

³⁹⁰ IDMC, [Global Report on Internal Displacement 2022](#), May 19, 2022, p. 76.

³⁹¹ International Federation of Red Cross and Red Crescent Societies, [Brazil: Floods Emergency Plan of Action \(EPoA\) DREF Operation Update N° 1](#), January 24, 2022, p. 2.

³⁹² European Civil Protection and Humanitarian Aid Operations (ECHO), [Brazil - Landslides and floods, update \(National Civil Defense Brazil, INMET, CEMADEN\) \(ECHO Daily Flash of 1 June 2022\)](#), June 1, 2022.

³⁹³ State Civil Defense Coordinating Office - Minas Gerais, [Boletim nº 346 de 13 de Dezembro de 2022 \(08H\)](#), December 13, 2022.

³⁹⁴ IACHR, [Internal displacement in the northern triangle of Central America: Public policy guidelines](#), OEA/Ser.L/V/II., Doc. 101, July 27, 2018, pars. 102 and 111.

³⁹⁵ IDMC, [Global Report on Internal Displacement 2022](#), May 19, 2022, p. 75.

to monitor and describe the displaced population, the causes of the displacements, and response mechanisms, and at the same time disguises the scale of this issue in the country.

370. Based on this, the IACHR considers compliance with this recommendation to be **pending**, and highlights the importance of the State having data and indicators to draw up and implement a regulatory framework for protecting internally displaced persons.³⁹⁶

371. To steer compliance with this recommendation, the Commission stresses the importance of adopting a regulatory framework based on up-to-date information on the issue of internal displacement in Brazil. Accordingly, the Commission recalls how important it is for Brazil to reach a broad understanding of the issue by identifying new sources of displacements, adverse impacts, and relevant responses, which will be essential for developing a regulatory framework adapted to the reality and topicality of this problem.

HUMAN MOBILITY MIGRATION, ASYLUM, AND STATELESSNESS

74. Fully implement Law No. 13,445/2017 (New Migration Law) in a transparent process, with civil society participation and in accordance with the inter-American human rights principles, norms, and standards; establishing, in particular, the National Migration, Refugees, and Statelessness Policy, envisaged in Article 120 of that Law.

75. Establish national plans for the comprehensive protection of human rights and the social inclusion of all persons in a human mobility situation living in Brazil, taking into account such factors as gender, ethnic/racial origin, migrant status, age, sexual orientation, identity and/or gender expression, and sexual characteristics, as well as any other characteristics capable of triggering intersectional risks.

76. Step up humanitarian welcome actions, provided for in the Migration Law, Law No. 13,445/2017 and supplemented by the measures established in Law No. 13,684/2018 for persons who find themselves in vulnerable circumstances arising out of the migration flow caused by a humanitarian crisis, particularly with regard to maintaining and bolstering actions to receive persons displaced from Venezuela by the current humanitarian crisis.

77. Maintain and strengthen public policies, programs, and actions to welcome, bring in, include, and provide social welfare for migrants, asylum-seekers, and refugees, undertaken directly by the State or with the support of civil society organizations.

78. Implement and strengthen actions to protect and shelter migrants living on the street in both border areas and in cities inside Brazil.

79. Prevent, raise awareness of, and combat xenophobia and all forms of violence against persons in human mobility situations, including migrants, refugees, those applying for refugee status, stateless persons, and victims of human trafficking.

80. Strengthen government structures relating to protection of the human rights of migrants, refugees, and stateless persons, especially Brazil's National Committee for Refugees (CONARE).

81. Ensure effective access and due process guarantees in connection with administrative procedures regarding immigration and refugee documents.

82. Issue affordable and non-stigmatizing provisional I.D.s for all asylum-seekers, stateless persons, and migrants, while taking additional measures to train public servants and sensitize the general population so as to ensure effective access to rights and services.

83. Strengthen integrated steps to protect migrants from slave labor and guarantee prompt investigation, with all due diligence of any such cases, as well as punishment of those responsible.

372. The State did not provide information on recommendation 74 to **fully implement Law No. 13,445/2017 (New Migration Law)**. The IACHR notes that on July 12, 2022, the National Congress

³⁹⁶ With regard to the States' obligation to perform diagnostic assessments and collect data to describe the internally displaced population, see: IACHR, [Internal displacement in the northern triangle of Central America: Public policy guidelines](#), OEA/Ser.L/V/II, Doc. 101, July 27, 2018, pars. 59, 75.

installed the Joint Standing Committee on International Migrations and Refugees (CMMIR), to monitor migratory movements at the borders and the rights of refugees, and to analyze the causes and effects of migratory flows.³⁹⁷

373. The IACHR also notes that it has not received any information on progress on the creation of the National Migration, Refugees, and Statelessness Policy, provided for in Law 13,445/2017. Accordingly, the Commission finds compliance with this recommendation to be **pending**.

374. With a view to steering compliance with this recommendation, the Commission calls on the State to design a national policy on migration and asylum, necessary for promoting public policies attuned to the migrant and refugee populations' characteristics and needs, and to develop strategies for interagency coordination and organization to improve integration processes for migrants and refugees.³⁹⁸

375. The State did not report information on recommendation 75 to **establish national plans for the comprehensive protection of human rights and the social inclusion of all persons in a human mobility situation**. Through its monitoring activities, the IACHR found out that the IBGE included asylum-seekers, refugees, and migrants in the 2022 national census,³⁹⁹ and that, with support from the United Nations High Commissioner for Refugees (UNHCR), it collected information about the Venezuelan population in the states of Amazonas, Pará, and Roraima.⁴⁰⁰ The Commission considers that the inclusion of these populations in the census will provide the State with data on the demographic profile of persons in a human mobility situation, and allow it to develop national plans adapted to their needs. Therefore, the IACHR concludes that compliance with this recommendation is **pending**.

376. To guide compliance with this recommendation, the Commission invites the State to foster the development of plans to protect the rights and inclusion of persons in a human mobility situation, and to provide up-to-date information on the implementation and operation thereof.

377. The State did not report on compliance with recommendations 76 or 77 to **step up humanitarian welcome and interiorization actions, as well as social inclusion and assistance**.

378. The IACHR highlights Operation Welcome as a best practice implemented by the State to address the massive influx of Venezuelans into Brazil.⁴⁰¹ Along these lines, it observes that as of October 2022, the Federal Subcommittee for Reception, Identification, and Screening of Migrants reported the following: (i) 329,930 residency permits granted; (ii) 94,467 applications for recognition of refugee status processed; (iii) 51,599 Venezuelans recognized as refugees; and (iii) 450,815 individual tax registrations issued.⁴⁰²

379. With regard to emergency humanitarian assistance centers, the IACHR notes that, as of December 2022, there were 7 shelters for Venezuelan refugees and migrants in the state of Roraima, housing 1,896 family groups, 1,701 indigenous persons, and 142 unaccompanied children.⁴⁰³ The IACHR takes note that, according to the media, in March 2021 over 100 indigenous families were transferred to the *Jardim*

³⁹⁷ Agência Senado, [Instalada comissão sobre migrações e direitos de refugiados e eleitos os representantes](#), July 12, 2022.

³⁹⁸ IOM, [MigraCidades 2020: Sistematização e análise dos dados sobre a dimensão de acesso à saúde](#), 2022, p. 38; UNHCR UN Women and the United Nations Population Fund (UNFPA), [Oportunidades e desafios à integração local de pessoas de origem venezuelana interiorizadas no Brasil durante a pandemia de Covid-19](#), August 11, 2022, p. 72.

³⁹⁹ UNHCR, [UNHCR Brazil Factsheet, September 2022 \[EN/PT\]](#), November 2, 2022, p. 3.

⁴⁰⁰ UNHCR, [Censo 2022 coletará informações sobre pessoas refugiadas no Brasil](#), August 2, 2022.

⁴⁰¹ IACHR, [Situation of human rights in Brazil](#), OEA/Ser.L/V/IL, Doc. 9, February 12, 2021, par. 245.

⁴⁰² Federal Subcommittee for Reception, Identification, and Screening of Migrants, [Deslocamentos Assistidos de Venezuelanos Janeiro 2017 - Outubro 2022](#), 2022. Register of Natural Persons.

⁴⁰³ UNHCR and R4V, [Perfil dos Abrigos em Roraima](#), updated December 14, 2022.

Floresta shelter in Boa Vista, and one year later, these families reported that the shelter infrastructure was inadequate and there were no mechanisms in place to help them preserve their culture or traditions.⁴⁰⁴

380. The Commission salutes the State's decision to renew its partnership with UNHCR to provide humanitarian aid and encourage the internal relocation of vulnerable refugees and migrants.⁴⁰⁵ According to the most recent data available, 89,645 persons benefited from the so-called "interiorization" program from April 2018 to November 2022: 59% through the social reunification modality, 20% through family reunification, 18% through job offers; and 3% through transfer to an emergency or interiorization shelter.⁴⁰⁶

381. Despite this progress, the IACHR observes that Brazil does not have a national immigrant and refugee integration policy in place. According to an investigation conducted by UNHCR, UN Women, and the United Nations Population Fund (UNFPA), because of this lack of a national policy, Brazil does not have any forums for dialogue, planning, or coordinating interiorization among state and municipal agencies,⁴⁰⁷ which also affects integration, because job placement is prioritized over social integration, and gender issues are overlooked.⁴⁰⁸ In turn, the R4V platform reported that the main barriers affecting Venezuelan refugees' and immigrants' capacity to assimilate in Brazil are the high levels of food insecurity, language barriers, and discrimination in access to health services.⁴⁰⁹

382. That said, the Commission appreciates the State's decision to grant humanitarian visas for Afghan nationals, stateless persons, and individuals affected by the institutional instability and grave human rights violations in Afghanistan.⁴¹⁰ According to UNHCR, from September 2021 to October 2022, Brazil issued 6,300 humanitarian visas for Afghans,⁴¹¹ who face sociocultural barriers to integration.⁴¹² The IACHR also highlights that Brazil decided to grant two-year temporary visas and residency permits, on humanitarian grounds, to Haitians who were affected by a major catastrophe or environmental disaster and are in Brazil.⁴¹³

383. As analyzed in this section, the IACHR appreciates the State's efforts to maintain the humanitarian shelter, interiorization, and social integration programs. However, these programs are insufficient to resolve this issue in Brazil. Consequently, the IACHR concludes that the State's compliance with the recommendation is **partial**.

384. For the State to comply with this recommendation, the IACHR considers that it must expand, strengthen, and ensure the continuity of these programs. In order for implementation to be guaranteed, they must be based on an up-to-date and complete diagnostic assessment of the most important challenges that need to be addressed.

385. The State did not send substantial information on recommendation 78 to **implement and strengthen actions to protect and shelter migrants living on the street**. Through its monitoring work, the Commission found out that in 2021 and 2022 there continued to be a high number of immigrants living on the streets in the state of Roraima. In December 2021, 4,000 Venezuelan immigrants were counted to be living on

⁴⁰⁴ Amazônia Real, *Operação Acolhida não cumpre promessa a refugiados venezuelanos*, October 28, 2022.

⁴⁰⁵ UNHCR, *Brasil: ACNUR y el Ministerio de Ciudadanía renuevan su alianza en favor de las personas refugiadas y migrantes de Venezuela*, January 26, 2022.

⁴⁰⁶ Federal Subcommittee for Sheltering and Integrating Vulnerable Immigrants, *Deslocamentos Assistidos de Venezuelanos Abril 2018-Novembro 2022*, 2022.

⁴⁰⁷ UNHCR, UN Women, and UNFPA, *Oportunidades e desafios à integração local de pessoas de origem venezuelana interiorizadas no Brasil durante a pandemia de Covid-19*, August 11, 2022, pp. 34-35.

⁴⁰⁸ UNHCR, UN Women, and UNFPA, *Oportunidades e desafios à integração local de pessoas de origem venezuelana interiorizadas no Brasil durante a pandemia de Covid-19*, August 11, 2022, pp. 34, 35, 70, 73.

⁴⁰⁹ R4V, *RMNA 2022- Refugee and Migrants Needs Analysis*, October 12, 2022, p. 68.

⁴¹⁰ Official Gazette of the Union, *Interministerial Decree No. 24, September 3, 2021*, September 8, 2021.

⁴¹¹ UNHCR, *Personas refugiadas afganas encuentran protección y reconstruyen sus vidas en Brasil*, October 27, 2022.

⁴¹² UNHCR, *Brazil Newsletter October 2022*, November 25, 2022, p. 1.

⁴¹³ Official Gazette of the Union, *Interministerial Decree MJSP/MRE N° 29, April 25, 2022*, April 26, 2022.

the street in the municipality of Pacaraima.⁴¹⁴ After adopting measures to decrease the time it takes for immigrants to complete the regularization process and receive identification documents, the R4V platform reported that in January 2022 this number had dropped to 573 in Pacaraima.⁴¹⁵

386. According to the R4V platform, although Operation Welcome established seven temporary shelters in the state of Roraima, by June of 2022 an estimated 3,600 Venezuelan immigrants remained homeless or lived in informal settlements without access to drinking water or hygiene and cleaning products.⁴¹⁶ The platform also reported that 28% of the Venezuelans surveyed in Brazil indicated that they did not know where they would live for the next few months.⁴¹⁷ Lastly, according to the most recent available reports, in October 2022 a total of 180 immigrants were found to be living on the streets in Boa Vista and Pacaraima.⁴¹⁸

387. The IACHR notes with concern that there is no data on immigrants living on the streets in other states of Brazil, and that it has not received information on the adoption of permanent measures to protect them. Therefore, the IACHR concludes that State compliance with this recommendation is **pending**.

388. To further implementation of this recommendation, the Commission calls on the State to create appropriate mechanisms to identify immigrants living on the streets and to determine their specific needs, so that, based on the findings, it can design and implement coordinated programs, plans, and policies to protect their rights.

389. With regard to recommendation 79 to **prevent, raise awareness of, and combat xenophobia and all forms of violence against persons in human mobility situations**, the State reported its publication of a pamphlet on human rights for Afghan refugees and migrants in Brazil. This pamphlet covers topics like the fight against xenophobia and the rights to health, education, and religious freedom.⁴¹⁹ The IACHR also learned of the National Committee for Refugees' (CONARE's) creation of the Observatory of Violence against Refugees, which will monitor acts of violence committed against the refugee and migrant populations and will coordinate actions to follow up on complaints and support public policy development.⁴²⁰

390. Specifically, the IACHR takes note of the cooperation agreement signed by the Labor Public Prosecutor's Office in Pará and Amapá, the Pará Prosecutor's Office, and UNHCR, for promoting and implementing actions to guarantee the rights of Warao indigenous Venezuelans and to combat racism and xenophobia.⁴²¹

391. The R4V platform's October analysis highlights that over 36% of Venezuelans interviewed reported having experienced discrimination based on their nationality.⁴²² Discrimination is even more prevalent against indigenous persons of Venezuelan origin, who account for 47% of reported cases.⁴²³ Specifically, Warao indigenous persons state that they suffer discrimination because they do not speak Portuguese, and the authorities do not include them in education, health, and employment services.⁴²⁴ In

⁴¹⁴ R4V, [Brazil National Platform: RMRP 2021 End-Year Report](#), July 6, 2022.

⁴¹⁵ R4V, [Brazil: Situation Report - January 2, 022](#), March 19, 2022.

⁴¹⁶ R4V, [RMNA 2022- Refugee and Migrants Needs Analysis](#), October 12, 2022, p. 69.

⁴¹⁷ R4V, [RMNA 2022- Refugee and Migrants Needs Analysis](#), October 12, 2022, p. 69.

⁴¹⁸ IOM, [Informe sobre População Venezuelana Refugiada e Migrante fora de Abrigos em Boa Vista- Setembro 2022](#), October 24, 2022; IOM, [Informe sobre a População Venezuelana Refugiada e Migrante fora de Abrigos em Pacaraima- Setembro 2022](#), October 24, 2022.

⁴¹⁹ Brazil report to the IACHR, December 9, 2022, par. 236, p. 68.

⁴²⁰ UNHCR, [Brasil: ACNUR celebra la creación del Observatorio de Violencia contra los Refugiados por parte del CONARE](#), February 3, 2022.

⁴²¹ Labor Public Prosecutor's Office, [MPT, MPPA e ONU celebram acordo de cooperação em prol de refugiados e migrantes no Pará](#), June 17, 2022.

⁴²² R4V, [RMNA 2022- Refugee and Migrants Needs Analysis](#), October 12, 2022, p. 77.

⁴²³ R4V, [RMNA 2022- Refugee and Migrants Needs Analysis](#), October 12, 2022, pp. 77-78.

⁴²⁴ R4V, [National Roundtables Of Consultation With Venezuelan Indigenous Peoples 2021: Brazil](#), April 19, 2022, p. 27.

addition, an investigation conducted by UNHCR, UN Women, and UNFPA indicates that xenophobia also limits Venezuelan refugee and migrant access to housing and education services.⁴²⁵

392. In accordance with the information available, the IACHR concludes the State has **partially complied** with this recommendation.

393. To steer compliance with this recommendation and prevent discrimination and xenophobia against immigrants, the Commission invites the State of Brazil to implement measures designed to eradicate this type of discrimination and violence, such as educational campaigns, public policies, and awareness campaigns and actions to promote multiculturalism in Brazilian society.⁴²⁶

394. The State did not provide information on recommendation 80 to **strengthen government structures relating to protection of the human rights of migrants, refugees, and stateless persons**. The IACHR notes that it has not received the information it needs to evaluate the State's level of compliance, and therefore considers it to be **pending**.

395. Considering the lack of information on implementation of this recommendation, the Commission invites the State to adopt institution-building measures for the protection of the rights of these persons, and to report on the details of these actions.

396. With respect to recommendation 81 to **ensure effective access and due process guarantees in connection with administrative procedures regarding immigration and refugee documents**, the State did not submit information and did not provide data on the number of persons that work at CONARE nor on strategies for decreasing the wait time for asylum procedures.⁴²⁷

397. The IACHR takes note that, as of September 15, 2022, all requests for asylum must be submitted through the Sisconare platform, which replaces paper forms.⁴²⁸ Previously, the IACHR had observed that this platform could speed up processing of asylum requests, help reduce the delays in analyzing them, and optimize the stages of the process.⁴²⁹

398. The IACHR also notes that in 2021, Brazil received 29,107 applications for recognition of refugee status, 208 more than in 2020.⁴³⁰ It also notes that by August 2022, CONARE had recognized 3,772 persons as refugees, an increase over the 3,086 persons granted refugee status in 2021. However, the IACHR observes with concern that in 2021 it took CONARE an average of two years and eight months to issue a final decision. At present, the wait time is three years and six months, according to UNHCR and the Ministry of Justice and Public Security.⁴³¹

399. With regard to the length of processes for determining refugee status, the IACHR recalls that the principle of a reasonable period of time is a procedural guarantee applicable to all proceedings leading to assessment of the need for international protection. Accordingly, it is the States' obligation to "adopt all measures that may serve to avoid unnecessary delays in administrative and judicial proceedings, so as not to

⁴²⁵ UNHCR, UN Women, and UNFPA. [Oportunidades e desafios à integração local de pessoas de origem venezuelana interiorizadas no Brasil durante a pandemia de Covid-19](#), August 11, 2022, pp. 37, 57, 72.

⁴²⁶ IACHR, [Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking](#), San Salvador, December 7, 2019, Principle 12.

⁴²⁷ IACHR, [Situation of human rights in Brazil](#). OEA/Ser.L/V/II., Doc. 9, February 12, 2021, par. 240.

⁴²⁸ Ministry of Justice and Public Security, [Solicitações de reconhecimento da condição de refugiado passam a ser feitas exclusivamente online](#), October 31, 2022.

⁴²⁹ IACHR, [Guía Práctica: Protección internacional y regularización de la condición legal en el contexto de movimientos mixtos a gran escala en las Américas](#), 2022, p. 27.

⁴³⁰ Observatory of International Migrations (OBMigra), [Refugio en números 2022](#), 2022, p. 11.

⁴³¹ UNHCR and Ministry of Justice and Public Security, [Painel interativo de decisões sobre refúgio no Brasil](#), updated October 17, 2022.

unduly prolong the suffering caused by remembering events that happened and to promote appropriate handling of the risk of re-traumatization of those proceedings.”⁴³²

400. On effective access and guarantees of due process in other migratory processes, the IACHR observes that the number of persons with irregular status in Brazil increased as a result of the border closures implemented on account of COVID-19.⁴³³ In this context, civil society organizations documented that 2,901 persons were deported in 2020, a 5,708% increase over the 36 persons deported in 2019. They also identified cases of collective returns at the borders.⁴³⁴

401. On June 23, 2021, the State adopted Decree 655, allowing the entry of persons for humanitarian reasons.⁴³⁵ With this decision, the State guaranteed that Venezuelan migrants and refugees could enter Brazil, and also facilitated their access to international protection mechanisms and immigrant residence permits.⁴³⁶ The IACHR also takes note that Brazil has recognized the validity of passports and identification documents that expired on or after March 16, 2020, in order to allow individuals whose documents had expired to regularize their immigration status;⁴³⁷ the deadline for starting the regularization process under this regulation was extended to September 15, 2022.⁴³⁸

402. The IACHR notes that it does not have up-to-date information on the number of persons deported in 2021 and 2022. Nor does it have official information on the number of persons who entered Brazil illegally when the borders were closed, or on the number of persons who were guaranteed access to international protection mechanisms or channels for regularizing their immigration status.

403. The IACHR appreciates the State’s efforts to guarantee due process in determining refugee status and to facilitate access to regularization processes. However, it considers it necessary for the State to continue implementing actions to guarantee a reasonable time frame for analyzing requests for asylum and effective access to international protection mechanisms, as well as actions to guarantee due process in immigration procedures like expulsion and deportation. Therefore, the IACHR concludes that the State’s compliance with this recommendation is **pending**.

404. To steer implementation of this recommendation, the Commission invites the State to guarantee and facilitate the means necessary for asylum-seekers to submit their cases to the competent authorities⁴³⁹ and, if the process is digital, to implement actions to ensure access and accessibility.⁴⁴⁰

405. The State did not report on compliance with recommendation 82 to **issue affordable and non-stigmatizing provisional I.D.s for all asylum-seekers, stateless persons, and migrants, while taking additional measures to train public servants and sensitize the general population so as to ensure effective access to rights and services**.

⁴³² IACHR, [Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking](#), San Salvador, December 7, 2019, Principle 50.

⁴³³ UNHCR, [Informe de Monitoreo de Protección - ACNUR Brasil, Noviembre 2,021](#), February 22, 2022.

⁴³⁴ IACHR, Thematic hearing, [Situación de los derechos humanos de las personas migrantes y refugiadas en el contexto de la pandemia del COVID-19 en América del Sur](#), 179 Period of Sessions, March 26, 2021.

⁴³⁵ Official Gazette of the Union, [Decree 655 of June 23, 2021](#), June 24, 2021.

⁴³⁶ R4V, [Brazil National Platform: RMRP 2021 End-Year Report](#), July 5, 2022.

⁴³⁷ Official Gazette of the Union, [Decree 25/2021-DIREX/PF, of August 17, 2021](#), August 26, 2021.

⁴³⁸ Official Gazette of the Union, [Decree 28/2022-DIREX/PF, of March 11, 2022](#), March 26, 2022.

⁴³⁹ Inter-American Court of Human Rights. [Case of the Pacheco Tineo Family v. Bolivia. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 25, 2013](#), Series C No. 272, par. 159.

⁴⁴⁰ IACHR, Office of the Special Rapporteur for Freedom of Expression, Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights, [Practical Guide 03 How to promote universal internet access during the COVID-19 pandemic?](#), 2021.

406. The IACHR takes note of the Operation Horizon initiative implemented by the Federal Police in São Paulo with support from the Center for Migrant Integration and Citizenship, UNHCR, and IOM.⁴⁴¹ According to public information, the objective of this operation is to reduce the wait time for appointments for the issuing and renovation of immigration documents.⁴⁴² The IACHR considers this to be a best practice that should be replicated throughout the country to ensure all immigrants are provided with identification documents as per the recommendation. However, the IACHR also observes that it does not have enough information to evaluate the State's level of compliance with this recommendation. Therefore, it concludes that compliance with this recommendation is **pending**.

407. To steer compliance with this recommendation, the Commission invites the State to adopt measures that ensure asylum-seekers, stateless persons, and migrants can access identification documents, and that their human rights are respected, and they are treated decently in the process of obtaining them.

408. The State did not send information on recommendation 83 to **strengthen integrated steps to protect migrants from slave labor and guarantee prompt investigation, with all due diligence of any such cases, as well as punishment of those responsible**.

409. The Commission learned of the establishment, within the Labor Public Prosecutor's Office, of a group called Venezuelan Migratory Flow that, according to public information, will work with Operation Welcome to monitor and ensure adherence with labor standards for the employment of Venezuelan refugees and migrants.⁴⁴³ It also took note of the (i) adoption of the National Treatment Protocol for Victims of Slave Labor in Brazil, which establishes that it is the duty of the Federal Public Defender's Office to support the regularization process for migrant victims;⁴⁴⁴ and (ii) publication, jointly with UNHCR, IOM, and ILO, of a pamphlet for immigrants on slave labor.⁴⁴⁵

410. The IACHR observes that migrants' limited access to the formal labor market increases their risk of being roped into slave labor.⁴⁴⁶ What is more, there is no public information system in place to identify the number of migrant victims of slave labor.⁴⁴⁷ The most recent Ministry of Justice and Public Security figures indicate that from 2006 to 2020, 880 migrants were rescued from slavery-like conditions.⁴⁴⁸ At least 19 of them were Venezuelans rescued in the state of Roraima.⁴⁴⁹ The IACHR also notes that some international cooperation agencies have published data on issues associated with slave labor such as human trafficking, forced labor, and exploitative work. For example, the R4V platform reports that from 2017 to 2021, 31 Venezuelans (26 men, 4 women, and 1 girl) were rescued from forced labor situations.⁴⁵⁰ In turn, IOM reported that from March to September 2022, it helped 362 victims of human trafficking and exploitative work in the state of Roraima under its assistance plan for Venezuelan refugees and migrants.⁴⁵¹

411. The IACHR also observes that Brazil did not report on the implementation of actions to ensure the perpetrators of cases of migrant slave labor are investigated and punished. It also takes note of the lack of

⁴⁴¹ UNHCR, [ACNUR e OIM parabenizam a Polícia Federal de São Paulo por êxito e continuidade da Operação Horizonte](#), March 31, 2022.

⁴⁴² R4V, [Brazil: Situation Report - January 2,022](#), March 19, 2022.

⁴⁴³ R4V, [Brazil: Situation Report - March 2,022](#), May 5, 2022, p. 1.

⁴⁴⁴ Official Gazette of the Union, [Decree 3,484, of October 6, 2021 Annex I](#), October 7, 2021.

⁴⁴⁵ Ministry of Economy, UNHCR, IOM, and ILO. [Será que estou sendo vítima de trabalho escravo?](#), 2021.

⁴⁴⁶ UNHCR, [Diagnósticos para a promoção da autonomia e integração local de pessoas refugiadas e migrantes venezuelanas em Roraima e Manaus: setor produtivo e potencialidades](#), 2022, p. 4.

⁴⁴⁷ R4V, [RMNA 2022- Refugee and Migrants Needs Analysis](#), October 12, 2022, p. 82.

⁴⁴⁸ Ministry of Justice and Public Security, [Relatório nacional sobre tráfico de pessoas: dados 2017 a 2020](#), 2021, p. 22.

⁴⁴⁹ Ministry of Justice and Public Security, [Relatório nacional sobre tráfico de pessoas: dados 2017 a 2020](#), 2021, p. 25.

⁴⁵⁰ R4V, [RMNA 2022- Refugee and Migrants Needs Analysis](#), October 12, 2022, p. 83.

⁴⁵¹ IOM, [Assistência aos refugiados e migrantes venezuelanos - setembro 2022](#), October 28, 2022.

public information on the number of persons criminally punished for subjecting migrants to slavery-like work conditions.

412. In accordance with the information available, the IACHR concludes that the State has **partially complied** with this recommendation.

413. To steer compliance with this recommendation, the Commission invites the State to adopt specific actions that may include mechanisms to constantly monitor migrants' workplaces, ways to verify working conditions, and actions to guarantee labor rights, regardless of migration status. It also invites the State to adopt measures designed to guarantee access to justice to protect the rights of migrants, freely and on an equal footing with Brazilian nationals, as well as comprehensive reparations for the damages suffered.⁴⁵²

MEMORY, TRUTH, AND JUSTICE

84. Establish a body to oversee compliance with the recommendations of the National Truth Commission.

85. Strengthen mechanisms and actions for making comprehensive reparation to the victims of human rights violations perpetrated during the civil-military dictatorship, including the deployment of physical and psychological rehabilitation measures for the victims and their next of kin, and continuation and strengthening of historical memory policies.

86. Take, ex officio, all steps needed to determine the fate or whereabouts of the victims of forced disappearance, identify their mortal remains, and deliver them to their family members. Search operations should form part of a comprehensive public policy regarding disappearances, and they should be conducted, systematically and rigorously, by independent and impartial entities, using adequate human and technical resources and guaranteeing communication and coordination with the victims' next of kin.

87. Investigate, prosecute, and wherever criminal liability is determined, punish the perpetrators and instigators of gross human rights violations, while refraining from having recourse to such notions as amnesty, pardon, or prescription due to any statute of limitations, or any other provisions precluding responsibility, and measures intended to prevent criminal prosecution or annul the effects of a conviction.

88. Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

89. Classify the crime of enforced disappearance, according to inter-American parameters.

414. The State did not provide information on actions geared towards compliance with recommendation 84 to **establish a body to oversee compliance with the recommendations of the National Truth Commission** (CNV).

415. Conversely, the IACHR was informed that the Pernambuco Federal Courts ordered the National Archives to eliminate all mentions of a former military police chief who directed the Recife Detention Center, where a political activist was murdered in 1971, from the CNV Final Report, which investigated the grave human rights violations committed between 1946 and 1988.⁴⁵³ The IACHR is concerned that the judicial process was kept secret and that neither the Federal Public Prosecutor's Office nor the victims' families were notified, as well as about the Office of the Attorney General's inappropriate handling of the process and the lack

⁴⁵² IACHR, [Resolution 04/19, Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Human Trafficking](#), San Salvador, December 7, 2019, Principles 19 and 40.

⁴⁵³ G1, [Ex-coronel da PM citado por morte de militante na ditadura tem nome retirado de relatório da Comissão da Verdade pela Justiça Federal](#), February 4, 2022.

of respect for the law, archival best practices, and access to information.⁴⁵⁴ It also takes note of the how various sectors of civil society have condemned this act as a violation of the right to truth and memory.⁴⁵⁵

416. The IACHR recalls that truth commissions, as a complement to judicial proceedings, help further the collective reconstruction of the truth about human rights violations, in light of the historical, social, and political contexts.⁴⁵⁶ At the same time, their work, based on documentary and testimonial evidence, serves to recognize and dignify the victims, and as an essential source of information for judicial proceedings and for developing public policy and appropriate reparation mechanisms. Accordingly, the IACHR considers compliance with this recommendation to be **pending**.

417. To steer compliance with this recommendation, the IACHR calls on the State to preserve the integrity of this historic CNV Final Report, and to adopt measures to comply with the CNV's recommendations, ensuring that proceedings connected with the CNV's work are transparent and objective.

418. The State did not provide information on the measures adopted to comply with recommendation 85 to **strengthen mechanisms and actions for making comprehensive reparation to the victims of human rights violations perpetrated during the civil-military dictatorship**.

419. The IACHR did receive information on the continued weakening of the Amnesty Commission, established in 2002 to handle the pecuniary requests made by victims of the dictatorship.⁴⁵⁷ According to the press, since 2019, 8,043 requests for reparations have been refused and 836 reparations that had been granted have been annulled.⁴⁵⁸ Civil society and victims' and specialists' organizations criticized the high rates of review and rejection of requests made to the Amnesty Commission, and pointed out the use of negationist and revictimizing speech during the proceedings.⁴⁵⁹ In addition, civil society organizations reported the lack of programs for victims' rehabilitation and memory, and expressed concern that the MMFDH was trying to do away with the archive of publications and audiovisual material associated with the repression period.⁴⁶⁰

420. The Commission takes note that the Federal Public Prosecutor's Office requested information from the MMFDH on the grounds for this decision, the fate of the archive, and the measures adopted to ensure it will be preserved.⁴⁶¹ The Commission also appreciates the Federal Public Prosecutor's Office's recommendations to revoke the degrees awarded by the Federal University of Rio Grande del Sur in honor of

⁴⁵⁴ O Dia, [Servidores denunciam alteração do relatório final da Comissão Nacional da Verdade](#), February 7, 2022; Giro da Arquivo, [Justiça determinou supressão de conteúdo e até inclusão de novos documentos em relatório custodiado pelo Arquivo Nacional](#), February 2022; UOL, [Justiça Federal de PE decide retirar nome de coronel de relatório da CNV](#), February 3, 2022; Folha de SP, [Justiça manda ocultar nome de ex-coronel da PM de dossiê da Comissão da Verdade](#), February 3, 2022; UOL, [MPF não foi intimado em ação que retirou militar do relatório da CNV](#), February 15, 2022; Jornal GGN, [Retirada de nome de coronel em relatório da CNV correu em sigilo na Justiça e MPF nem sabia](#), February 17, 2022.

⁴⁵⁵ Sul21, [Censura ao relatório da Comissão Nacional da Verdade é um atentado ao direito à verdade e à memória](#), February 9, 2022; Artigo 19 [Organizações se manifestam contra censura imposta ao relatório final da Comissão Nacional da Verdade](#), February 11, 2022; Metrôpoles, [Entidades e vítimas da ditadura condenam censura à Comissão da Verdade](#), February 9, 2022.

⁴⁵⁶ IACHR, [The Right to Truth in the Americas](#), OEA/Ser.L/V/II.15, Doc. 2, August 13, 2014, par. 176.

⁴⁵⁷ IACHR, [Annual Report 2021, Chapter IV. A](#), par. 194; IACHR, [Annual Report 2020, Chapter IV. A](#), par. 12; IACHR, [Annual Report 2019, Chapter IV. A](#), par. 135.

⁴⁵⁸ Metrôpoles, [Governo Lula irá rever atos que negaram anistia às vítimas da ditadura](#), November 7, 2022.

⁴⁵⁹ Tab UOL, [Vivi o fundo do poço: perseguidos na ditadura têm reparação negada](#), January 11, 2022; Chamber of Deputies, [Uma lei em desmonte: especialistas e vítimas da ditadura avaliam situação da Lei da Anistia](#), May 24, 2022; Chamber of Deputies, [Ex-conselheiro denuncia crimes e irregularidades da atual Comissão de Anistia](#), June 21, 2022; Chamber of Deputies, [Especialistas denunciam "resistência institucional" à Lei da Anistia, que completa 43 anos](#), August 3, 2022; Rede Brasil Atual, [Bolsonaro mantém perseguição a vítimas da tortura na ditadura](#), July 1, 2022.

⁴⁶⁰ Metrôpoles, [Governo se desfaz de 17 mil obras do acervo da memória da ditadura](#), September 19, 2022.

⁴⁶¹ Federal Public Prosecutor's Office, [MPF questiona Ministério da Mulher, da Família e dos Direitos Humanos sobre doação de acervo da memória e verdade do período da ditadura militar](#), October 17, 2022.

dictators and to rename schools and public spaces in Acre that pay tribute to persons connected to the repressive regime.⁴⁶²

421. Based on this information, the Commission finds the State's compliance with this recommendation to be **pending**.

422. To foster compliance with this recommendation, the Commission calls on the State to adopt and report specific measures to guarantee comprehensive reparation to victims of the dictatorship, in line with international standards. In addition, these actions must be taken in coordination with the victims.

423. With regard to recommendation 86 to **take, ex officio, all steps needed to determine the fate or whereabouts of the victims of forced disappearance, identify their mortal remains, and deliver them to their family members, as part of a comprehensive public policy**, the State reported that a technical cooperation agreement was signed by the National Council of the Public Prosecutor's Office, Ministry of Justice and Public Security, National Secretariat for Public Security, MMFDH, and Public Prosecutor's Office of the state of Rio de Janeiro to create the National Registry of Missing Persons, as stipulated by Law 13,821 of 2019. The State also indicated that the National Council of the Public Prosecutor's Office and the Public Prosecutor's Office of the state of Rio de Janeiro will extend the technical-cooperation agreement that establishes the National System for Locating and Identifying Missing Persons.⁴⁶³ It also pointed out that it had made efforts to implement the National Policy on the Search for Missing Persons out of the General Coordinating Office for Missing Persons at the MMFDH, as a standing federal and interministry policy to solve and prevent cases of missing persons.⁴⁶⁴

424. The IACHR appreciates the information provided by the State and reiterates the importance of specifically addressing cases of forced disappearance by ensuring communication and coordinated action with victims' family members.

425. With regard to persons who were forcibly disappeared during the civil-military dictatorship, the IACHR observes that the Special Committee on Political Disappearances and Deaths (CEMDP), established by law in 1995, did not comply with its mandate. What is more, on December 15, 2022, a majority of its members voted to approve its final report and declare its activities concluded, although the report admitted that certain activities had been held to a standstill in recent years and that various proceedings were yet to be conducted, including the identification of the bones of several people whose remains had been exhumed. The decision was approved by the former president of the Republic on December 30, 2022.⁴⁶⁵

426. The Commission understands that the prior administration had been announcing this decision to eliminate the CEMDP since early 2022, and that it was made despite Brazilian government organizations, victims' groups, civil society organizations, and international organizations voicing their opposition to it.⁴⁶⁶

427. Indeed, the Federal Public Prosecutor's Office sent the MMFDH a recommendation in July, and again in December, to the effect that the relevant state agencies should refrain from suggesting and/or

⁴⁶² UOL, [MPF recomenda que UFRGS retire honraria dada a Médici e Costa e Silva](#), January 26, 2022; Contilnet, [MPF recomenda e Secretaria de Educação vai retirar nomes de pessoas ligadas à ditadura militar de escolas públicas no Acre](#), January 27, 2022.

⁴⁶³ Brazil report to the IACHR, December 9, 2022, par. 31, pp. 10-11.

⁴⁶⁴ Brazil report to the IACHR, November 2022, pp. 28-29.

⁴⁶⁵ Official Gazette of the Union, [Relatório Final de Atividades da Comissão Especial sobre Mortos e Desaparecidos Políticos - CEMDP. referente ao período de dezembro de 1995 a dezembro de 2022 elaborado em conformidade com o art. 13 da Lei Nº 9,140 de 4 de dezembro de 1995](#), December 30, 2022.

⁴⁶⁶ História da Ditadura, [Nota circunstanciada sobre o destino da CEMDP no apagar das luzes do governo Bolsonaro](#), December 12, 2022; Comissão Arns, [Ref. Procedimento Preparatório n. 1.16.000.002836/2022-47](#), December 7, 2022; CEJIL, [Expressamos preocupação com possível fim da CEMDP e ameaça à justiça e verdade no Brasil](#), December 14, 2022; G1, [A 15 dias do fim do governo, aliados de Bolsonaro decidem acabar com Comissão de Mortos e Desaparecidos na Ditadura](#), December 15, 2022; Brazilian Coalition for Memory, Truth, Justice, Reparation, and Democracy, Note of December 7, 2022, in IACHR archives.

approving the CEMDP's dissolution, and should instead ensure its proper operation, both physically and financially.⁴⁶⁷

428. On December 13, 2022, the IACHR expressed its concern upon learning that the CEMDP would meet to analyze its final report and close.⁴⁶⁸ Subsequently, on January 12, 2023, it expressed its concern over the CEMDP's dissolution and called to restart efforts to search for victims who were forcibly disappeared during the civil-military dictatorship, under a comprehensive public policy focused on victims and their family members.⁴⁶⁹

429. Given the foregoing, the IACHR considers compliance with this recommendation to be **pending**.

430. With a view to guiding compliance with this recommendation, the Commission calls on the State to quickly re-establish the search for persons who were forcibly disappeared during the military regime, and to guarantee sufficient resources to clarify their whereabouts and location, identify them, and provide decent restitution to their family members as applicable.

431. The State did not send information on recommendation 87 to **investigate, prosecute, and wherever criminal liability is determined, punish the perpetrators and instigators of gross human rights violations**.

432. In connection with this recommendation, the Commission notes that the Federal Public Prosecutor's Office filed a complaint against three former agents of the civil-military dictatorship for human rights violations committed in the II Army Department of Information Operations – Center for Internal Defense Operations (DOI-Codi) in São Paulo in the 1970s; and against a former army officer for the 1972 kidnapping and murder of a student activist in the Brazilian Communist Party in Goiânia.⁴⁷⁰ The IACHR also appreciates that in the case before the Superior Court of Justice, the Office argued against applying the Amnesty Law in cases of crimes against humanity committed during the military regime, in line with decisions made by the Inter-American Court.⁴⁷¹ The Federal Public Prosecutor's Office also requested that three investigations of torture and abuse committed between 1968 and 1974, forced disappearance committed in 1973, and other crimes associated with Operation Condor be archived, based on the interpretation of the constitutionality of the Amnesty Law. The judge of the 8th Federal Court of Rio de Janeiro rejected the request based on the obligation to review the law's compliance with conventions.⁴⁷² The IACHR appreciates this decision. Accordingly, the Commission finds the State's compliance with this recommendation to be **partial**.

433. To steer implementation of this recommendation, the IACHR calls on the State to reinforce its actions for justice by seeking specific outcomes in terms of criminal responsibility for the gross violations committed during the dictatorship.

⁴⁶⁷ IACHR, Press release [4/23 - IACHR: Brazil needs to adopt public policies to search for victims of forced disappearance during the dictatorship](#). Washington, D.C., January 12, 2023.

⁴⁶⁸ IACHR, [Tweet, December 13, 2022](#).

⁴⁶⁹ IACHR, Press release [4/23 - IACHR: Brazil needs to adopt public policies to search for victims of forced disappearance during the dictatorship](#). Washington, D.C., January 12, 2023.

⁴⁷⁰ Federal Public Prosecutor's Office, [MPF quer responsabilização civil de três ex-agentes da ditadura por tortura e mortes no DOI-Codi em São Paulo](#), April 27, 2022; Federal Public Prosecutor's Office, [MPF denuncia ex-oficial do Exército Brasileiro por sequestro e morte de estudante e militante do PCB durante o Regime Militar](#), July 27, 2022.

⁴⁷¹ Federal Public Prosecutor's Office, [MPF defende inaplicabilidade da Lei da Anistia a crimes praticados por agentes públicos durante a ditadura militar](#), November 9, 2022.

⁴⁷² O Globo, [Justiça Federal recusa pedido do MPF e julga Lei de Anistia incompatível com a Convenção Americana de Direitos Humanos](#), October 3, 2022.

434. With regard to recommendation 88 to **ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity**, the IACHR reiterates its indications made in this report about recommendation 2 on the institutional underpinning of human rights, above.

435. The State did not provide information on recommendation 89 to **classify the crime of enforced disappearance, according to inter-American parameters**.

436. However, in a report for the United Nations Committee on Enforced Disappearances on December 5, 2022, civil society organizations and family members reported that this gross violation of human rights has still not been classified as a crime, noting that Bill 6,240/2013, proposed in 2013 to do so, is still being processed by the National Congress.⁴⁷³ The Commission notes that the bill was approved by the Federal Senate Committee on the Constitution, Justice, and Citizenship on December 2, 2022. Given this progress, the IACHR considers State compliance with this recommendation to be **partial**. Likewise, it recalls that the final version of the law must align with inter-American standards.

437. To steer implementation of this recommendation, the IACHR invites the State to advance all measures geared towards legal amendments that will make it possible to classify forced disappearance as a crime, in line with inter-American standards.

III. SUMMARY TABLE OF THE LEVEL OF STATE COMPLIANCE WITH THE RECOMMENDATIONS

438. The following table provides a summary of the level of Brazilian State compliance with each of the recommendations made by the Commission in its February 2021 report on the situation of human rights in Brazil.

OVERALL NUMBER	RECOMMENDATION TOPIC	RECOMMENDATION NUMBER	COMPLIANCE: FULL/PARTIAL/PENDING
1	THE INSTITUTIONAL UNDERPINNING OF HUMAN RIGHTS	1.a	PENDING
2		1.b	PENDING
3		1.c	PENDING
4		2.a	PENDING
5		2.b	PENDING
6	ECONOMIC, SOCIAL, CULTURAL, AND ENVIRONMENTAL RIGHTS	3.a	PENDING
7		3.b	PENDING

⁴⁷³ Conectas Human Rights, Memory, Truth, and Justice Forum – ES, et al., [Civil Society Contributions on Forced Disappearances in Brazil to the United Nations Committee against Enforced Disappearances \(CED\)](#), December 5, 2022 pp. 14 and 15.

8.		3.c	PENDING
9		4	PENDING
10		5	PENDING
11		6	PENDING
12	CITIZEN SECURITY	7.a	PENDING
13		7.b	PENDING
14		7.c	PENDING
15		7.d	PENDING
16		7.e	PENDING
17		8	PENDING
18		9	PENDING
19		10	PENDING
20		11	PENDING
21		12	PENDING
22	ACCESS TO JUSTICE	13	PENDING
23		14	PENDING
24		15	PENDING
25		16	PENDING
26	PERSONS OF AFRICAN DESCENT	17	PENDING
27		18	PARTIAL
28		19	PENDING
29	INDIGENOUS PEOPLES AND TRADITIONAL QUILOMBOLA COMMUNITIES	20	PENDING
30		21	PENDING

31		22	PENDING
32		23	PENDING
33		24	PENDING
34		25	PENDING
35		26	PENDING
36		27	PENDING
37		28	PENDING
38		29	PENDING
39		30	PENDING
40		31	PENDING
41	WOMEN	32	PARTIAL
42		33	PARTIAL
43		34	PARTIAL
44		35	PENDING
45		36	PENDING
46		37	PARTIAL
47		38	PENDING
48		39	PENDING
49	CHILDREN AND ADOLESCENTS	40	PENDING
50		41	PENDING
51		42	PARTIAL
52		43	PENDING
53		44	PARTIAL
54	LESBIANS, GAYS, BISEXUALS, TRANS AND	45	PARTIAL

	INTERSEX PERSONS (LGBTI)		
55		46	PARTIAL
56		47	PARTIAL
57		48	PENDING
58		49	PENDING
59		50	PENDING
60	PERSONS WITH DISABILITIES	51	PENDING
61		52	PENDING
62		53	PENDING
63		54	PENDING
64		55	PENDING
65		56	PENDING
66	PERSONS DEPRIVED OF LIBERTY	57	PARTIAL
67		58	PARTIAL
68		59	PARTIAL
69		60	PENDING
70		61	PENDING
71		62	PARTIAL
72		63	PENDING
73		65	PENDING
74		65	PENDING
75	HUMAN RIGHTS DEFENDERS	66	PARTIAL
76		67	PENDING

77		68	PENDING
78		68	PENDING
79		70	PENDING
80	HUMAN TRAFFICKING	71	PARTIAL
81	FORCED INTERNAL DISPLACEMENT	72	PENDING
82		73	PENDING
83	HUMAN MOBILITY MIGRATION, ASYLUM, AND STATELESSNESS	74	PENDING
84		75	PENDING
85		76	PARTIAL
86		77	PARTIAL
87		78	PENDING
88		79	PARTIAL
89		80	PENDING
90		81	PARTIAL
91		82	PENDING
92		83	PARTIAL
93	MEMORY, TRUTH, AND JUSTICE	84	PENDING
94		85	PENDING
95		86	PENDING
96		87	PARTIAL
97		88	PENDING
98		89	PARTIAL

439. The IACHR considers compliance to be pending for 75 (76.5%), partial for 23 (23.4%), and full for none (0%) of the total 98 recommendations.

IV. CONCLUSIONS

440. The Commission is concerned about the State of Brazil's low level of compliance with the recommendations. This level means that human rights issues continue to constitute a challenge for the State, and that the most essential rights of the Brazilian population, and especially of its most vulnerable groups, continue to be adversely impacted, in a society where the fight against historical discrimination and inequality remains imperative.

441. The Commission observes that much of the information sent by the State for preparation of this report did not include the date on which the cited initiatives were developed or information on implementation, which are critical aspects for evaluating compliance with the recommendations. Likewise, much of the information provided is about projects that are still in the early stages of evaluation or implementation, meaning their full impact cannot be assessed. Furthermore, the State often referred to laws enacted before the period under analysis in this report and did not provide an account of the impacts of implementation of those laws on the human rights of the Brazilian population. The contents of the State's response affected the outcomes of the compliance analysis. The IACHR recalls that the guarantee and protection of human rights must be timely, in order to change people's lives effectively and substantially.

442. The Commission continues to be especially concerned about all the issues discussed in its 2021 country report. It reiterates its concern over the structural challenges Brazil faces to overcoming issues associated with historically neglected forms of discrimination, which especially impact certain groups like people of African descent, women, *quilombola* communities, indigenous peoples, campesinos and rural workers, street people, and people living in slums or outlying areas.

443. The Commission considers that in 2021 and 2022 Brazil continued to face a number of human rights challenges, especially issues related to citizen security, access to justice, freedom of expression, economic, social, and cultural rights, right to the truth, and right to memory, which disproportionately impact the most vulnerable groups in different ways. In particular, the IACHR notes with concern the persistent patterns of impunity in cases of human rights violations committed by State agents, including the crimes committed under the civil-military dictatorship.

444. Accordingly, the Commission reiterates the importance of practical, effective State compliance with the recommendations made in the 2021 country report, and it reaffirms its commitment to collaborating with the State of Brazil to search for solutions to the problems and challenges identified in the 2021 report on the situation of human rights in Brazil and in this follow-up on the recommendations issued therein, as well as to providing support for Brazil's compliance with international human rights obligations, to ensure that all persons throughout the country can effectively enjoy their human rights.