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Chair: Ms. Abdo Rocholl

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant

Third periodic report of Brazil ([CCPR/C/BRA/3](#); [CCPR/C/BRA/Q/3](#); [CCPR/C/BRA/RQ/3](#))

1. *At the invitation of the Chair, the delegation of Brazil joined the meeting.*
2. **Ms. de Oliveira** (Brazil), introducing her country's third periodic report ([CCPR/C/BRA/3](#)), said that she wished to thank the Committee, on behalf of the Brazilian State, for having taken the side of democracy in one of the most difficult periods of the country's recent history. During that period, the previous Government had intentionally dismantled national human rights policies, along with other parts of the State, but a far-reaching reconstruction of those policies was now under way. It was important to note in that connection that the report and the replies to the list of issues ([CCPR/C/BRA/RQ/3](#)), having been submitted by the previous Administration, contained numerous gaps and distortions; however, her delegation would endeavour to fill those gaps.
3. Because the country's deep-seated inequalities were rooted in a colonial past characterized by persistent human rights violations, in Brazil it was impossible to separate civil and political rights from economic, social and cultural rights. Accordingly – and especially in the light of the argument, posited by Antônio Augusto Cançado Trindade, a former judge of the Inter-American Court of Human Rights and International Court of Justice and a Brazilian national, that the right to life encompassed the right to a decent existence – in order to guarantee the rights of population groups that had historically been most exposed to discrimination and other abuses, such as persons of African descent, Indigenous Peoples, women and members of the LGBTQIA+ community, policies that were both materially and politically empowering were needed.
4. To answer that need, on 20 June 2023, President Lula da Silva had launched the New Family Grant (Bolsa Família) cash-transfer programme from which 54.6 million Brazilians would benefit. Overall, 73.4 per cent of the beneficiaries would be of African descent and 81.5 per cent of beneficiary households would be headed by women. In addition, the Federal Government had resolved that at least 30 per cent of vacancies in the federal civil service should be filled by applicants of African descent and had set up an interministerial working group to formulate the Black Youth (Juventude Negra Viva) Plan, intended to combat both the lethal violence that afflicted young persons of African descent and the social disadvantages and institutional racism they faced.
5. To address gender inequalities, the equal pay bill, which established transparency and inspection mechanisms along with penalties for businesses that discriminated against their employees, would be signed into law in the very near future, and a further interministerial working group had been set up with a remit to draw up a national policy for addressing political violence against women. Additionally, in January 2023, Brazil had withdrawn from the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family, on the basis that its objectives ran counter to the Government's commitment to promoting the sexual and reproductive rights of women and preventing discrimination against LGBTQIA+ persons. Furthermore, the Government of Brazil now included, for the first time, a national secretary for the rights of LGBTQIA+ persons; a national council for the rights of LGBTQIA+ persons had been created to provide a forum for dialogue between the Government and civil society; and a simplified procedure for admitting asylum-seekers who had been criminalized in their country of origin because of their sexual orientation or gender identity had been established.
6. To ensure protection for environmentalists and for human rights defenders and promoters, a working group had been established to work with civil society to draft a national policy. Also, in May 2023, the Government had recommended that the National Congress should approve ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

7. The new Government recognized that hate speech existed in Brazil, contrary to the claims made by the previous Administration in the replies to the list of issues (paras. 18–20). In fact, under the former Government, expressions of hate and incitement to hatred in public statements had deliberately provoked political violence, resulting in the presidential elections being held under the constant threat of instability and, on 8 January 2023, just a few days after the new President had taken office, an open and extremely violent attack on the country's democracy. The broad-based working group established by the Ministry of Human Rights and Citizenship to propose policies to combat hate speech would soon be submitting its final report.

8. To address violence in the prison system, the Ministry of Human Rights and Citizenship was working with the Ministry of Justice and Public Security to bring the Mandela Project, based on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), to fruition. Under that project, measures would be taken to protect the rights of all persons deprived of liberty by guaranteeing due process, tackling torture and introducing early release policies and non-custodial alternatives while at the same time ensuring information transparency, regular inspections, effective complaint and reporting mechanisms and differentiated treatment for particularly vulnerable prisoners.

9. With the fight for truth and justice for victims of the past dictatorship still to be concluded, the new Administration had made reviewing the membership of the Amnesty Commission a priority and was working to re-establish the Special Commission on Political Deaths and Disappearances. It was also committed to implementing the recommendations of the National Truth Commission and to ensuring the sensitive commemoration of the victims of the transatlantic slave trade and slavery in Brazil.

10. The new Government had re-established the Intersectoral Commission on Combatting Sexual Violence against Children and Adolescents with a view to drawing up a national plan. It was also updating the National Plan for Persons in Street Situations, originally drafted in 2009. A central element of the new plan would be the Housing First (*Moradia Primeiro*) programme, designed, firstly, to guarantee the right to housing and, by extension, to facilitate access to other public services and the realization of all fundamental rights.

11. Lastly, she wished to highlight a landmark event in Brazilian history, namely, the establishment, in January 2023, of the Ministry for Indigenous Peoples. Within weeks of taking office, the new Administration had become aware of the deplorable situation into which the Yanomami people had sunk as a result of the negligence and criminal actions of those previously in power, which had included the paralysation of the process of Indigenous territory demarcation, a failure to prevent illegal mining and a lack of vaccination and health-care policies for Indigenous Peoples during the coronavirus disease (COVID-19) pandemic.

12. **Mr. Gómez Martínez**, acknowledging that the recent change of Government had rendered some aspects of the report and the replies to the list of issues redundant, said that the Committee's questions would address structural problems and other issues pertaining to the current situation in Brazil. Noting that the State party had not provided the detailed information on the enforcement of the Clean Companies Law requested, he urged the delegation to address that omission. In relation to the information on the Lava-Jato Operation provided in annex I to the replies to the list of issues, he wished to know how it was possible that judgments had been issued in just 44 of the 980 cases assigned to Federal Regional Court No. 4 and that, in the Rio de Janeiro and Curitiba trial courts, the number of convictions secured and cooperation agreements negotiated exceeded the number of complaints received. Disaggregated data on the results of the National Strategy for Combating Bribery and Money-Laundering would be useful. In addition, he wondered whether the fraud conviction of Wilson Witzel, the former Governor of Rio de Janeiro State, constituted a criminal judgment, whether it was a final judgment, and whether the judgment had been fully enforced.

13. Regarding the fight against impunity and past human rights violations, he invited the delegation to provide the information requested in the list of issues that was currently missing. He would particularly appreciate further information on the outcome of the judicial proceedings, in June 2021, in which an agent of the military dictatorship of 1964 to 1985 had been convicted of the enforced disappearance of a naval officer who had opposed the coup d'état of 1964 after the judge had ruled that the offence of abduction was not covered by the

Amnesty Law of 1979. He would also be grateful for an update on any investigations into the deaths of the journalist Dom Philips and the human rights defender Bruno Pereira in the Javari Valley in June 2022.

14. Given that the State party had accepted 99.3 per cent of the recommendations made during its universal periodic review in November 2022, he wondered whether the Government was committed to complying with the same proportion of the Committee's recommendations. He would appreciate clarification as to where the Covenant ranked in the Brazilian hierarchy of norms and, in the light of reports that the Covenant provisions were cited very infrequently in the case law of the Brazilian Supreme Court, wondered whether the State party had any plans to elevate its position. He also wished to know about the State party's degree of compliance with the Committee's Views. Specifically, was there any domestic legal mechanism for recognizing the rights of persons in whose favour the Committee had ruled and were such persons entitled to demand full implementation of the Committee's View from the domestic courts? If that was not the case, did the State party plan to establish such a mechanism?

15. It was unclear to him on which instruments the State party had based its claim that the definition of terrorism given in Law No. 13,260/2016 was in line with existing international standards. Moreover, he would like to know whether that definition of terrorism would be amended in bill No. 272/2016 and bill No. 1,595/2019. Details of the accountability mechanisms that would be applicable to the new National Counter-Terrorism Authority would also be useful, as would information on any judicial or parliamentary oversight of its operations. Lastly, he wished to know whether the Government intended to revise the current text of Law No. 13,260/2016 to remove the ambiguity present in article 13, as the State party itself admitted, with regard to the differentiation between legitimate defence and wrongdoing.

16. **Mr. Soh** said that, while the State party's approach to countering discrimination, which entailed adopting specific legislation to address the situation of specific groups and specific forms of discrimination, was commendable, there was also a need for comprehensive anti-discrimination legislation. He would welcome information on any such legislation planned, as well as on measures taken or planned to tackle the complex issue of intersectional discrimination and on any initiatives of the Ministry of Indigenous Peoples and the Ministry of Racial Equality designed to combat discriminatory laws and practices. He also wished to know what measures had been or would be taken to make the new ministries better equipped to combat discrimination and ensure the effectiveness and continuity of initiatives. Further details of specific measures taken or planned to combat discrimination on the basis of sexual orientation, including information on any plans to enact dedicated legislation to protect affected individuals, would also be helpful.

17. Since the State party had mentioned, in paragraph 19 of the replies to the list of issues, that legislation in force established punishments for hate speech, it would be useful to hear more about the applicable legal framework. He wished to know the number of investigations, prosecutions and convictions in respect of hate speech during the reporting period and would appreciate the delegation's comments on allegations of hate speech being promoted by high-level politicians and a lack of accountability for such conduct. In addition, he would appreciate an update on progress towards the adoption of bill No. 2,630/2020, referred to as the "fake news" bill, as well as detailed information about the scope of the "Humanizing Networks" (Humaniza Redes) programme and any other related measures such as the establishment of the newly created task force responsible for combating online hate speech.

18. **Ms. Donders** said that the Committee had been informed that 70 per cent of the budget allocated for policies on behalf of women had not been spent in 2020 and that the budget of the Ministry of Women's Affairs, Family and Human Rights had been reduced by more than 50 per cent in 2021. In addition, it had been informed that, following a recent restructure, there were now two separate ministries: the Ministry of Human Rights and Citizenship and the Ministry of Women's Affairs. The Committee would welcome more concrete information on the resources allocated to programmes to promote gender equality, including, in particular, details of which Ministry was responsible for specific policies and programmes, how a stable and sufficient budget was ensured, and how effective cooperation on gender equality between different ministries was promoted.

19. The Committee would be grateful for information on action taken to increase the participation of women, especially Afro-Brazilian and Indigenous women, in decision-making concerning laws, policies and budgets at all levels of government and as candidates for political office. Specific examples of good practice would be helpful. While the quota system introduced for women candidates in political parties was welcomed, it appeared that some parties circumvented the legally required quota by using fake candidacies. She wondered, therefore, how the State party planned to enforce the laws concerning quotas and campaign funds and ensure that women's chances of being elected to political office were improved. She also wished to know what measures the State party had taken to protect women who sought or held political office, especially Indigenous, Afro-Brazilian and LGBTI+ women, from harassment, threats and violence, and to hold the perpetrators accountable.

20. Noting that the information provided by the State party about cases of violence against women was not disaggregated by type of offence or the profile of the victims, she said that disaggregated data would be useful for the Committee and would also help the State party to address some of the root causes of gender-based and domestic violence. She would like to know whether more resolute action was being taken to tackle the high rates of femicide and other forms of violence against women, particularly women of African descent, provide remedies for victims, and assist them in reporting to the authorities, and what measures were being taken to address the possible root causes, which included lack of education, discrimination, stereotypes or general tolerance of violence against women.

21. While the Committee welcomed legislation aimed at combating violence against women such as the Maria da Penha Law, it wished to know how such laws were implemented in practice. The Committee had been informed, for instance, that the Parental Alienation Law had been used to annul protective measures granted to women victims of violence under the Maria da Penha Law. She would therefore like to know whether the State party had taken any steps towards repealing the Parental Alienation Law, as recommended by the United Nations Human Rights Council. She would also appreciate information on measures taken to improve access to support services for victims of domestic violence, to expand the number of women's shelters and women's police stations, and to train officials to handle cases of gender-based violence.

22. The Committee reiterated its request for information on the lack of access to abortion services, including for victims of rape and incest, and on measures to protect women and girls from sexual violence and guarantee their sexual and reproductive rights, including legal access to abortion. It also wished to know how many women had faced criminal charges for seeking abortion services. Did the State party intend to permit the legal termination of pregnancies in situations other than where a woman's life was at risk or the pregnancy was the result of rape?

23. **Mr. Helfer** said that the use of lethal force by police and security personnel had remained unacceptably high for more than a decade. In addition, the victims of police violence included a disproportionate number of young Afro-Brazilian men from poor communities. For example, persons of African descent reportedly accounted for at least 60 per cent of victims in São Paulo and 90 per cent of victims in Rio de Janeiro. Additional information about the measures being taken by federal and state law enforcement agencies to reduce the high mortality rate from police violence would therefore be appreciated. Noting that the use of body cameras by police battalions in São Paulo in 2022 had led to a 76 per cent decrease in lethality, he asked whether the State party intended to make their use mandatory elsewhere.

24. Although a 2020 Supreme Court ruling had prohibited the conduct of police raids in favelas in Rio de Janeiro during the COVID-19 pandemic, a raid in Jacarezinho favela on 6 May 2021 had resulted in the death of 27 residents. He would like to know whether the officers who had carried out and planned that raid had been investigated, and whether steps were being taken to comply with the Supreme Court ruling and other national regulations concerning the use of force by police and security personnel. Since the high mortality rate from police raids also indicated that Law No. 13,060/2014, which required law enforcement agents to use less offensive weapons, was not being fully implemented, he wished to know

whether the Law might be amended to ensure that the use of force by the police was governed by the principles of legality, necessity and proportionality.

25. The Committee would appreciate additional information concerning the mechanisms in place to investigate complaints of excessive use of force by police and security officers and to ensure that independence and impartiality were upheld in all investigations. The Committee had heard that the Special Action Group for Public Security – a unit of prosecutors in Rio de Janeiro specializing in police abuse cases that had been investigating a 2019 raid in the Complexo da Maré neighbourhood during which a police helicopter had fired 480 times near schools and the killing of João Pedro Matos Pinto, a 14-year-old black teenager, during a 2020 police operation in São Gonçalo municipality – had been dissolved by the Attorney General of Rio de Janeiro State in March 2021 and the case had been reassigned to other prosecutors. Information on the current status of those two investigations would therefore be helpful. The Committee had also been informed that police destroyed or planted evidence or falsely reported cases in order to obfuscate deaths resulting from the illegal use of force. He wondered what measures were being taken to hold all law enforcement personnel involved in extrajudicial killings and excessive use of force accountable. Had the State party considered amending the Code of Criminal Procedure to ensure proper investigations of lethal police violence?

26. The Committee reiterated its request for information on measures taken to criminalize and punish all forms of hate crime and to identify and respond to homophobia and high rates of violence against lesbian, gay, bisexual and transsexual persons and Indigenous community leaders. He wondered whether there were plans to introduce legislation to criminalize homophobia. Lastly, he would appreciate information on measures being taken to collect disaggregated data about excessive use of force and killings occurring during police operations, on rates of homicide motivated by the victim's race, colour, Indigenous status, sexual orientation or gender identity, and on the steps, if any, being taken to update and improve the National System for Information on Public Security, Prison and Drugs.

27. **The Chair** said that she would welcome a response from the State party regarding allegations of enforced disappearances, including acts perpetrated by paramilitary groups that included police officers and former State officials. She would like to know whether the applicable legal framework defined and criminalized all acts of enforced disappearance and prescribed penalties that were proportional to the gravity of the offence; whether prompt, thorough and impartial investigations had been conducted into all cases of alleged enforced disappearances; and whether the perpetrators had been brought to justice. Information on the current status of the Davi Fiúza case and on investigations into previously unresolved cases of enforced disappearance would be particularly welcome.

28. Having been informed that positions adopted during the COVID-19 pandemic at the highest levels of Government had placed the population at risk, the Committee would appreciate information on measures taken to protect particularly vulnerable groups, such as persons of African descent, pregnant women, older persons, persons deprived of their liberty, Indigenous persons and persons with disabilities, as well as statistical data on COVID-19 mortality rates among such groups compared with the population in general. It would also like to hear about the conclusions of the Senate investigation into the Government's management of the pandemic.

29. Information on action taken to prevent and mitigate the impact of climate change and environmental degradation in the State party and on the regulatory framework for the corresponding public policies would be helpful, as the Committee had received reports of inadequate compliance with environmental regulations, including those governing licensing and impact assessments. In particular, the Committee would appreciate precise data on the extent of illegal deforestation in the Amazon basin and information about the measures taken to combat such practices. It would also be useful to know about any action being taken to reduce carbon emissions, such as investment in sustainable energy sources. Since awareness of the damage resulting from climate change had led to an increase in the number of lawsuits aimed at protecting citizens and the environment since 2015, she would like to know the number of lawsuits and what their outcome had been.

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

30. **A representative of Brazil** said that President Lula da Silva had established the Ministry of Human Rights and Citizenship, the Ministry of Indigenous Peoples and the Ministry of Racial Equality in early 2023. The Ministry of Indigenous Peoples had special units for women and for lesbian, gay, bisexual, transsexual and intersex persons. The former National Indian Foundation (FUNAI) was now called the National Indigenous Peoples Foundation and was chaired by a woman. The Ministry of Indigenous Peoples had established a working group of Indigenous lawyers to establish a new regulatory framework and the National Justice Council had launched initiatives on behalf of Indigenous Peoples who were appearing before the courts or had been convicted. A forum in the judiciary dealt with claims made by Indigenous communities and a quota for Indigenous persons in the judiciary had been established.

31. Vigorous action was being taken to combat illegal mining, environmental degradation and the climate crisis. Many illegal mining operations and camps had been abolished, aircraft and vehicles had been removed, and significant assets had been seized. A plan to control illegal deforestation in the Amazon was being implemented. The Ministry of Indigenous Peoples had established a working group to support biosphere initiatives in the wetlands and Atlantic rainforests and an interministerial committee for planning and monitoring the invasion of Indigenous territories, comprised of representatives of 20 ministries and coordinated by the Ministry of Indigenous Peoples, had been established. Non-Indigenous invaders, intruders and squatters were being removed from various territories. The Federal Government had increased the budget of the National Indigenous Peoples Foundation by 8 per cent and had allocated funds for the protection of Indigenous land in the Amazon region.

32. **A representative of Brazil** said that article 5 of the Constitution stated that all persons were equal before the law and guaranteed the right to life, freedom, equality, safety and property for all Brazilian nationals and residents. In 2023, the Ministry of Racial Equality had issued a decree requiring at least 30 per cent of public administration positions to be filled by persons of African descent. An interministerial working group had been established to produce a national programme on affirmative action to increase the enrolment of low-income persons and persons of African descent in the country's universities. The 2012 law on quotas had clearly enhanced racial and socioeconomic diversity in universities since 50 per cent of persons enrolled in higher education were currently Indigenous and over 50 per cent were low-income persons. However, a new affirmative action programme was required to promote the employability of persons of African descent.

33. A presidential decree issued in 2023 required a minimum of 8 per cent of federal administration contracts to be reserved for women who had been victims of violence. The Ministry of Racial Equality had launched an anti-racist programme aimed at incorporating the topic of racial equality and the intersectionality of gender and race into training activities at the federal level. President Lula da Silva had enacted, also in 2023, a law criminalizing racial insults and providing for the suspension of rights when racism occurred in sports or in artistic, religious or recreational activities performed by public officials.

34. The Ministry of Human Rights and Citizenship had created a national secretariat for lesbian, gay, bisexual, transsexual and queer persons. The Supreme Court had recognized the duty to criminalize offensive conduct and discrimination against such persons. It had also ruled that the statute of limitations was not applicable to racial insults. With regard to gender discrimination, the Supreme Court had ruled that invoking the "legitimate defence of honour" breached the principle of equality before the law and trivialized violence against women. It had also ruled that at least 30 per cent of election candidates should be female and that they should have access to the same level of funds for campaign purposes.

35. Migrants and refugees benefitted from the same constitutional protection as Brazilian citizens: the Migration Law of 2017 had incorporated a human rights perspective and the principle of non-discrimination into migration policy and prohibited the administrative detention of migrants. In March 2023, the National Committee for Refugees had taken a decision to allow women and girls from countries with a high prevalence of female genital mutilation to be granted refugee status. The Racial Equality Statute of 2010 had recognized that intersectional racial and gender inequality accentuated social disparities between black women and other sectors of society. The Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance had been enacted in 2022 with a status

equivalent to a constitutional amendment and the definition of aggravated or multiple discrimination contained therein had thus been adopted into national law.

36. International human rights instruments that were adopted with the approval of three-fifths of members of the National Congress were considered constitutional amendments. Instruments adopted with the approval of a smaller majority were granted supralegal status but remained separate to the provisions of the Constitution. Other international treaties that did not address human rights entered into force as ordinary law.

37. The National Justice Council had adopted various resolutions to combat discrimination, including Resolution No. 348 of 13 October 2020, establishing procedures to reduce the vulnerability of lesbian, gay, bisexual and transgender persons during judicial processes; Resolution No. 440 of 7 January 2022, on a national policy for the promotion of religious freedom and combating intolerance; Resolution No. 492 of 17 March 2023, ensuring a gender perspective in judicial processes; and Resolution No. 490 of 8 March 2023, establishing a national judicial forum on racial equality. A package of bills to address institutional racism had been presented to the House of Representatives by the Commission of Black Lawyers and was now before the National Congress.

38. **A representative of Brazil** said that the Administrative Improbability Law of 1992, as amended in 2021, was used widely at all levels of the prosecution service to combat corruption, as were the Anti-Corruption Law, which was applied in cases of public corruption in particular, and a law that encouraged the reporting of criminal and civil corruption. There were some 200 different bodies investigating corruption, including 27 regional or state-level bodies and the Federal Prosecution Service. In 2021, the Comptroller-General of the Union had negotiated leniency agreements worth 500 million United States dollars and some 37,000 investigations of civil corruption were under way.

39. The cases being prosecuted under the Lava-Jato Operation were complex, with a high number of persons implicated, and therefore exceeded the average processing time for a criminal case. Some cases had not been taken to court because leniency agreements had been negotiated with those accused and others had passed through courts of first instance and were now before courts of second instance. Some 25 bodies were involved in combating corruption and money-laundering. Although civil and criminal judgments were still pending in the case of former Governor Wilson Witzel, he had been impeached and banned from public office for five years.

40. **A representative of Brazil** said that the implementation of the recommendations made by the National Truth Commission with a view to ensuring justice for past human rights abuses in Brazil centred around upholding the right to memory, institutional reform, symbolic and financial reparation and accountability. The Special Commission for Political Deaths and Disappearances, responsible for clarifying deaths and disappearances during the military dictatorship, had declared some 300 people dead and was continuing investigations in a number of regions. The Amnesty Commission demanded official apologies for police violence during the period in question, determined the financial reparations to be paid and had examined some 60,000 applications for political amnesty to date.

41. Following the 2010 Inter-American Court of Human Rights ruling in *Gomes Lund v. Brazil*, which had found the Amnesty Law of 1979 to violate human rights law, the Ministry of Human Rights had pursued more than 50 other cases to which the Law had previously been applied. For example, in 2022, an official had been sentenced in connection with offences committed during the military dictatorship and a sentence handed down under the Amnesty Law by the court of Sao Paulo in a case of abduction was currently being reviewed. Those offences had been recognized as crimes against humanity and had been examined under constitutional and international human rights law.

42. **A representative of Brazil** said that a cooperation agreement with Paraguay was being signed to implement the Recommendations Monitoring System (SIMORE) in Brazil. The National Justice Council had committed to promoting human rights, with a particular focus on compliance with human rights conventions, and training courses on the subject had been delivered to members of the judiciary.

43. Hate speech was often prosecuted as slander, threats or insults, due to the lack of a single definition of the offence in domestic and international law. The Constitution also allowed for the right of reply and compensation for damages caused; the Federal Supreme Court had recognized that freedom of expression did not apply to antisemitism or the promotion of racial hatred. Under domestic legislation, the investigation of misogyny and other offences online was compulsory, revenge porn was a criminal offence, femicide was an aggravated crime and racism and racial insults by civil servants were prohibited. According to data collected by civil society on political, online and gender violence, in 2020 there had been the highest number of reports of racism since records began. In 2012, 273 members of the lesbian, gay, bisexual and transgender community had been killed, with transgender women and gay men most targeted. A working group had been established to combat hate speech and extremism and would shortly publish its final report, recommending improvements to the legal framework and the introduction of preventive measures. In 2019, the Superior Electoral Court had prohibited political parties and candidates from inciting divisive attitudes in their campaign materials.

44. **Ms. de Oliveira** (Brazil) said that the budget for tackling gender inequality had increased and was now the highest it had ever been. Interministerial working groups had been established to address the fact that care work often prevented women from developing careers or pursuing studies and draw up a national plan to ensure pay equality between men and women. In March 2023, the President had called for the ratification of the International Labour Organization Violence and Harassment Convention, 2019 (No. 190) and a programme had been established to combat sexual harassment and related offences in the public administration. Political violence against women was established as an offence in the Electoral Code; the use of political propaganda targeting women was a criminal offence; and the Superior Electoral Court had sanctioned political parties, coalitions and candidates that had used fake candidatures to meet the electoral quota for female candidates.

45. There were plans to establish an annual day to commemorate the death of Mariana Franco and raise awareness of racial and gender violence, designated the National Mariana Franco Day, and special measures had been taken to punish the murder of women as a result of domestic violence. Data from the Brazilian Forum on Public Security had shown that over 600 women had been killed in the first half of 2022 and that over 20 per cent of women, 65 per cent of whom were black women, had suffered some form of violence in 2022. The National Secretariat for Combatting Violence against Women would therefore be conducting a study into the prevalence of all forms of such violence. The Government was reviewing proposed measures for combating femicide and was developing a national plan to combat the crime. The social and economic crisis caused by the COVID-19 pandemic had had a significant impact on violence against women, with data revealing a five-year peak in femicides in the first half of 2021. The aim was thus to drastically reduce cases of femicide in Brazil.

46. A referral system for women in situations of violence had been established, and a specialized database was being developed to monitor and assess public policy for tackling violence against women, based on data from women's shelters across the country. The Brazil Observatory for Gender Equality had been established to monitor gender indicators, uphold women's rights, promote their participation in the development of public policy and ensure the accessibility of policies on gender equality. In March 2023, the Ministry of Women's Affairs had resumed the "Women Living Without Violence" (Mulher, Viver sem Violência) programme, which included policies for health care, social assistance, employment, social security and access to justice for victims of violence. The resources of the Assistance Centres for Women hotline and shelters offering integrated care for female victims of violence had been strengthened.

47. **A representative of Brazil** said that more than 100,000 persons had been accused of participating in the acts of terrorism that had occurred on 8 January 2023 with a view to challenging the results of the presidential election and undermining democracy in Brazil. To date, some 330 people had been arrested and referred to the competent authorities for further investigation and over 900 complaints about social media content had been received. The Ministry of Justice and Public Security ensured that online platforms effectively dealt with users that attacked persons or institutions or incited hatred and violence. A number of laws

had been drafted to increase the legal measures available for combating terrorism including attacks against democracy and mass killings in schools, while ensuring that legitimate social protests were not affected. The Safe Schools Operation prevented incitement to terrorism in schools through the involvement of police commissioners and the heads of intelligence of public security services.

48. **A representative of Brazil** said that the Black Youth Plan developed to reduce the use of lethal violence and the social vulnerability of black youth involved 16 government ministries and a mobile caravan that would visit 26 states and the Federal District to foster open dialogue with civil society. Resolution no. 129 of 22 September 2015 of the National Council of the Department of Prosecution had established minimum standards for investigations into deaths caused by police interventions and envisaged the creation of a dedicated prosecution unit to collect data on such incidents, the detailed investigation of such cases and the seizure and analysis of weapons used. Under a pilot programme, the body cameras used by the Federal Road Police would be trialled by other police forces and a policy adopted by the São Paulo military police in 2020 to reduce the use of lethal force would be adopted by forces in other states. The number of deaths caused by police forces had decreased between 2019 and 2020 and was currently at the lowest level since records had begun in 2013.

49. The International Convention for the Protection of All Persons from Enforced Disappearance had been enacted in 2016 and a national register of disappeared persons had been created. Bills currently under consideration would make enforced disappearance a stand-alone offence, recognizing it as a serious violation of several human rights, and would introduce compensation and reparation for victims of State violence and their families. Representatives of the Ministry of Racial Equality and the Ministry of Human Rights had met with the family of João Pedro Matos Pinto and cooperation with other public entities was under way to accelerate ongoing investigations into the case.

50. **A representative of Brazil** said that the investigation into the killings of Bruno Pereira and Dom Phillips, who had disappeared and subsequently been found dead, continued. A working group had been established to ascertain the events surrounding their deaths and a police inquiry had been launched, resulting in the initiation of a criminal case that was now under way in Amazonas State. The three persons accused had been interrogated on 8 May 2023. As to progress in the investigation into the killing of João Pedro Matos Pinto, a number of witnesses had been questioned and three civil police officers had been accused of aggravated manslaughter. A number of legal hearings had already been held and a further one was scheduled for 2 July 2023.

51. When the prohibition on police raids in the favelas of Rio de Janeiro introduced during the COVID-19 pandemic had expired, a new precautionary measure, introduced in 2022, had provided a window of 90 days for a review of levels of police violence and investigation of human rights violations committed by police and security officers. The plan to equip police officers with body cameras to record police interventions had been extended to Rio de Janeiro State. Although it had been only partially implemented and as yet not all police officers carried cameras, the initiative had resulted in a considerable reduction in the number of individuals killed by police violence, particularly within poor and Afro-Brazilian communities.

52. Responding to the high number of persons, particularly persons of African descent, erroneously identified as suspects, in 2022 the National Council of Justice had introduced a resolution establishing guidelines for the identification of suspects of crime. The National Council of Justice was aware of the issue of racial profiling among the police and had guidelines in place to address the matter.

53. **A representative of Brazil** said that a second investigation into the killings of Bruno Pereira and Dom Phillips was currently being conducted by the federal police with the aim of identifying the persons who had concealed their bodies and ordered the murder. Suspects had been identified in both instances. In addition, the former president of the National Indian Foundation and his successor had both been charged with failing to take action to prevent the crimes from being committed. The investigation was ongoing; once it was concluded, the findings would be submitted to the Federal Prosecution Service.

54. **A representative of Brazil** said that the Ministry of Health, together with the Ministry of Justice and Public Security, had published guidelines for managing COVID-19 in the prison system in 2022. The prison population had been prioritized for vaccination and, under the measures introduced, prisoners had been allowed access to specialized hospital treatment similar to that available to the general population. The number of cases of and deaths from COVID-19 in the prison system had been tracked by the Ministry of Justice and Public Security.

55. Abortion was legally available in Brazil in cases where continuing the pregnancy would endanger the life of the pregnant women or the unborn child had been diagnosed with anencephaly. However, stigma was often attached to pregnant women seeking abortion as well as to the health personnel delivering the service. The Ministry of Health was working to address that issue. In addition, the possibility of providing victims of sexual violence with comprehensive treatment and, where legally possible, abortion was under discussion. The Ministry of Health had access to a register of victims of sexual assault that was based on data gathered by the police, who reported three times the number of victims of sexual assault reported by the health service.

56. More broadly, the Ministry of Health was working to improve access to comprehensive reproductive health-care services for women, focusing on the promotion of health and the protection of rights. The existing national policy for women's health care provided for high-quality maternal and neonatal health care and for abortion services without restriction in certain cases. Full respect for the sexual and reproductive rights of women and, where abortion was necessary, a high level of service and comprehensive and humane treatment were thus a requirement for all health-care providers. The Ministry was working to bring the guidelines for the treatment of women in need of an abortion in line with current legislation.

57. Notwithstanding the Bolsonaro Administration's denial, the Ministry of Health had worked to address the COVID-19 pandemic within the limits of its legal authority.

58. **Ms. Donders** said that she welcomed the delegation's openness about the gravity of the problem of gender-based violence and femicide in Brazil and its acknowledgement that the majority of women affected were of African descent. The steps taken to address that issue were likewise welcomed but she wondered what was being done to ensure that women, particularly disadvantaged women such as those of African and Indigenous descent and those living in poverty, were made aware of the support available to them. More information on the measures adopted to tackle structural discrimination against women and the root causes of gender-based and domestic violence would be appreciated. She would also be interested to learn more about the State party's plans for addressing the stigma attached to abortion and helping women to obtain a legal abortion and any other assistance sought.

59. **Mr. Helfer** said that he would be interested to learn more about the precautionary measure introduced in 2022 and the findings of the review of police violence, including an indication as to whether levels of violence had been found to have fallen and whether the measure had been extended beyond the initial 90-day period. Having received information about the results of the use of body cameras by police officers in São Paulo State, the Committee would welcome information about the results of their use in other states. He would also like to know whether the State party had any plans to encourage the government of Rio de Janeiro State to re-establish the Special Action Group for Public Security and to encourage other states to adopt similar dedicated prosecution units, since they were an effective way to prioritize investigations into police killings.

60. **Mr. Gómez Martínez** said that, while appreciative of the data on progress made in combating corruption, he would be grateful to hear the personal opinion of the representative of Brazil representing the National Council of the Department of Prosecution as to whether a positive cultural and sociological change had taken place in the country and levels of corruption had, in fact, diminished.

61. Noting that the new Government had committed to implementing the recommendations of the Human Rights Council, he asked whether a similar commitment to implementing the recommendations of the Human Rights Committee might be envisaged. Noting also that the State party had stated in its replies to the list of issues that the two

counter-terrorism bills currently before the National Congress were “in line with existing international standards”, he pointed out that such standards existed only in relation to international, rather than national, terrorism and that there was no international standard for national terrorism. The State party should be careful to ensure that the two bills, if they became law, could not be used against members of the political opposition, human rights defenders and other individuals whose stance on important issues differed from that of the Government.

62. **Mr. Soh** said that he would be grateful to receive more information about the scope and outcomes of the “Humanizing Networks” programme for combating hate speech online and about measures taken during the public health state of emergency lasting from February 2020 to April 2022. The delegation might also comment on allegations of various derogations from the provisions of the Covenant during the pandemic.

63. **The Chair** asked how many complaints the State party had received in relation to deaths during the pandemic and how many such complaints had resulted in redress.

64. **Ms. de Oliveira** (Brazil) said that her Government was prioritizing investment in education and the promotion of political rights in its efforts to protect the rights of women, particularly the most disadvantaged. In the four years prior to the current Administration, policies, particularly policies for gender equality and women, had been seriously undermined. For example, the use of the word “gender” had been prohibited in many forums, compromising the compilation of representative data. Rebuilding those policies would lay the foundation for political action to address structural discrimination and violence against women. Appropriate measures were being implemented in response to the increased visibility of violence in Brazil, including the establishment of a working group to develop policies to combat the root causes of gender-based violence.

65. **A representative of Brazil** said that the counter-terrorism bills before the National Congress were in line with existing international standards that protected the right of assembly, the right to freedom of expression and other rights enshrined in the Covenant and would be the subject of considerable dialogue involving civil society.

66. **A representative of Brazil** said that the work that had previously fallen within the remit of the Special Action Group for Public Security was still being carried out while available resources were being used more effectively. As to the question of whether the data suggesting that corruption was now less prevalent were indicative of a real change, he could confirm that he had witnessed a clear change over the three decades during which he had worked within the National Council of the Department of Prosecution.

67. **A representative of Brazil** said that work was under way to implement a system for monitoring the implementation of recommendations made by international bodies, including United Nations entities. As to the allegations of derogations during the pandemic, no formal derogations affecting any of the rights enshrined in the Covenant had been made.

68. **Ms. Donders** said that she would welcome a response to her earlier question regarding the steps taken, if any, towards repealing the Parental Alienation Law.

69. **Mr. Soh** asked whether the State party planned to adopt a clear legal definition of hate speech, assuming that the absence of data on prosecutions of hate speech was due to the lack of such a definition, and whether any data on the prosecution of threats and insults were available.

The meeting rose at 6 p.m.