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Summary record of the 3996th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 27 June 2023, at 10 a.m.

Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10.05 a.m.

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

Third periodic report of Brazil (continued) (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. **A representative of Brazil**, responding to questions raised at the previous meeting (CCPR/C/SR.3995), said that the previous Government had been negligent in its handling of the coronavirus disease (COVID-19) pandemic, failing to adopt the necessary preventive measures. As a result, more than 700,000 persons in Brazil had lost their lives to COVID-19, with ethnic minorities experiencing a significantly higher mortality rate than the white population. The distribution of vaccines and masks to Indigenous communities had been slow, and Indigenous Peoples in areas that were not demarcated had not received assistance.
3. In contrast, the current Government was dedicated to strengthening the Indigenous health-care system and access to health care in Indigenous territories. In particular, it was supporting the previously neglected Yanomami People, whose territories had been invaded by illegal mining and criminal organizations, leading to malnutrition and preventable disease. Those efforts included the setting up of an emergency operational health centre, the establishment of multidisciplinary teams, the resumption of a vaccination programme and the distribution of health-care equipment. A referral centre had been opened to obviate the need for medical evacuations to the State capital and particular attention was being paid to eradicating child malnutrition, malaria and tuberculosis.
4. **A representative of Brazil** said that two bills currently before the National Congress would repeal the Parental Alienation Law, which had been misused by perpetrators of abuse and violence; some women who had attempted to protect their children from violence had been accused of parental alienation and had thus lost custody. A technical note on the matter had been issued by the National Council for the Rights of Children and Adolescents.
5. While the “Humanizing Networks” (Humaniza Redes) programme, designed to combat hate speech, had been suspended by the previous Government, the phenomenon would be addressed through strategies to protect victims of human rights violations, including education on human rights and the media. Those strategies were currently the subject of public consultation. The current Government had also proposed guidelines for education on the media and a working group on combating hate speech had recommended improvements to the legal framework.
6. **Mr. Soh**, noting with concern the lingering effects of past efforts to weaken the national preventive mechanism, said that it would be useful to hear how the mechanism had been strengthened; how the effectiveness of measures relating to the prohibition of torture, including in the prison system, was ensured; how many states had established torture-prevention committees and mechanisms; how effective those state-level structures were; and how the institutional framework was implemented across the country. He would also welcome disaggregated data on complaints of torture received during the reporting period and the related investigations, prosecutions, convictions and remedies, as well as information on specific measures to prevent torture against persons of African descent.
7. He would like to hear the delegation’s response to allegations that the State party had undertaken forced evictions, notably from the Aldeia Maracanã museum complex and within the Quilombola communities in Alcântara, and to know whether such evictions had been investigated, how victims could seek redress and compensation, and what measures were planned to address evictions of Indigenous Peoples in particular. He also wished to know how the regulatory framework established under the State party’s data protection legislation prevented abusive data collection in schools and public places and whether it set out where sensitive data could be stored, for how long and for what purpose, and how such data could be accessed. He would be interested to learn about any plans to carry out human rights impact assessment studies, risk assessments and accuracy assessments of technological systems and set up oversight mechanisms for their procurement and management. It would also be helpful

to hear about any child-specific safeguards that ensured children's privacy when using educational software. Lastly, he asked what progress had been made with regard to draft legislation intended to regulate the use of technology and how it would ensure compliance with article 17 of the Covenant.

8. **Mr. Gómez Martínez** said that it would be helpful to have disaggregated data on the number of persons currently in prison, including the number of convicted persons and pretrial detainees. He wished to know what measures had been introduced to guarantee detainees' right to a fair trial; how alternatives to detention were promoted in the case of minor offences; and whether such steps fell under the competence of the executive or the legislative branch. He would also like to know what the impact of remote hearings had been; how they had been implemented during the COVID-19 pandemic; and what steps had been taken to guarantee accused persons' procedural rights and to ensure that instances of torture could be detected even during remote hearings. He would also like to know how the State party ensured that custody hearings fulfilled their objectives and took place within the established 24-hour time frame; what was done to guarantee that detainees had adequate access to defence lawyers prior to those hearings; and whether those measures were the responsibility of the executive or the legislative branch. He would welcome clarification of the COVID-19 vaccination rate among the prison population, which, according to figures provided by the State party, stood at more than 100 per cent. He also wished to know what would be done to provide menstrual hygiene products to female prisoners.

9. It would be helpful to receive information on planned or existing measures to address racial inequality in the justice system; the number of black and Indigenous judges in courts of first instance, courts of appeal and supreme courts; and the action taken to address corruption and declining public trust in the judiciary. It would also be useful to hear how the State party ensured access to legal aid and public defenders in all states, and to receive clarification as to the reportedly significant cut to the budget of the national Public Defender's Office in 2020 and allegations that the COVID-19 pandemic had hindered enjoyment of the right to a fair trial. In addition, he wished to know whether the State party planned to adopt any measures to provide effective judicial remedies to the 60,000 persons displaced from the city of Maceió owing to subsidence caused by the Braskem company's salt mining activities.

10. He would be interested to learn how the State party planned to protect the independence of the judiciary, prosecutors and lawyers and shield them from verbal attacks by high-level State officials. It would be useful to hear how judges' individual independence and the judiciary's objective and organizational independence were ensured and how judges were appointed. He would like to hear the State party's response to allegations that persons in contact with the justice system experienced discrimination based on economic status and to know how it planned to guarantee that the justice system upheld the rights of all persons, without discrimination. How was undue political influence on the judiciary prevented?

11. **The Chair** said that she would welcome information on the budget of the Labour Inspection Secretariat over the previous five years and clarification of the number of victims of forced labour identified to date. Noting that the vast majority of victims were men of African descent or of mixed African and European ancestry, she asked what measures had been adopted to address that fact; how comprehensive reparation was provided to victims; how they were prevented from falling prey to the same systems of labour exploitation; and how many had indeed been revictimized. It would be helpful to have information on the number of complaints of forced labour; any investigations undertaken, and their status; the number of criminal proceedings launched; and the sentences handed down to perpetrators of forced labour and trafficking in persons during the reporting period.

12. With regard to the treatment of foreign nationals, it would be useful to know the impact of Ordinance No. 1/2017 and to hear the delegation's comments on the delays reportedly experienced by unaccompanied minors seeking access to asylum procedures under that legislation. She would like to know how the State party planned to increase the very low proportion of asylum applications that were examined and prevent asylum-seekers from being forced to sleep on the streets owing to delays in the application process.

13. Information about investigations into allegations of violence, intimidation, threats and harassment directed at political candidates before the 2018 and 2020 elections, and about

action taken against the perpetrators, would be appreciated, as well as details of the measures in place to prevent attacks on political candidates, in particular women, people of African descent, members of Indigenous communities and lesbian, gay, bisexual, transgender and intersex persons. An update on the Marielle Franco case would also be welcomed, along with details of measures taken to prevent a repeat of the human rights violations committed in that case, which might deter prospective candidates from entering politics. In that connection, she wondered whether acts of violence committed against politicians and candidates were now defined as criminal offences in their own right. Similarly, she would like to know whether the provisions of article 326-B of the Electoral Code, which categorized political violence against women as an electoral crime, included sanctions of a merely administrative nature or gave rise to criminal proceedings.

14. **Mr. Helfer** said that he would like to know what measures were in place to ensure that acts of violence, hostility and discrimination committed against Indigenous, Afro-Brazilian and Jewish religious groups by government and private actors were duly investigated, prevent future occurrences of such acts and provide appropriate remedies for victims. It would be useful to learn how the Government planned to improve the official “Dial 100” hotline for reporting cases of religious violence and intolerance and make the information it collected more accessible to the public and more comprehensive, for example, by listing the religion of victims.

15. He would appreciate an explanation as to how the State party intended to address the gap left by the failure to implement the civilian service programme that had been proposed as an alternative to military service for conscientious objectors. The delegation’s response to reports that conscientious objectors were stripped of their political rights would also be appreciated.

16. It would be helpful to know what specific measures the Government was taking to combat the recent increase in physical attacks, verbal harassment and online intimidation against journalists, especially female reporters and including by high-level government officials. Information about the current status of bills that would repeal criminal legislation used to intimidate journalists and censor free speech and replace their provisions with civil penalties would be welcomed, as would details of any other steps being taken to bring the country’s criminal legislation into line with the Covenant.

17. Clarification as to the current status of bill No. 2630/2020, referred to as the “fake news” bill, would be helpful, together with a response to concerns that, if enacted, the bill would require protected online speech to be removed. He would also appreciate details of any efforts being made to ensure that the views of all stakeholders were solicited regarding the bill. Updated information about the activities of the National Observatory on Violence against Journalists and Communicators, including an indication of whether it gathered data disaggregated by race and sex, would be useful. In addition, he wondered how regulations introduced in April 2023 which established penalties for social media companies that did not restrict online content relating to school violence accommodated legitimate free speech concerns.

18. He would welcome information about the measures taken to prevent excessive use of force by the police and security forces in response to peaceful assemblies, including details of police training on the right to peaceful protest. He would particularly welcome information about measures designed to ensure that allegations of excessive force being used against peaceful protestors, as, for example, in the cases of Deborah Fabri, Sérgio Silva and Edvaldo Alves and during anti-racism protests by student and Indigenous groups in Brasília in 2021, were investigated in an independent and impartial manner. Lastly, he would like to know whether the State party intended to ratify the International Labour Organization Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and what other action the Government was taking to protect trade union rights.

19. **Ms. Donders** said that she would like to know what measures the State party had taken to protect human rights defenders from harassment, intimidation and violence, facilitate their access to justice and hold the perpetrators of such acts to account. She would like to receive up-to-date, disaggregated data relating to threats against and killings of human rights defenders and to hear about any action taken to make such information more accessible.

20. She invited the delegation to clarify why the Programme for the Protection of Human Rights Defenders, Communicators and Environmental Defenders had not been implemented across the whole country; whether the aim was to do so; what resources had been allocated to the Programme; and how its implementation and effectiveness were evaluated. She wondered how and to what extent the Programme responded to the specific needs of women's human rights defenders, environmental defenders, Indigenous human rights defenders and Afro-Brazilian human rights defenders. She also wished to know whether the State party intended to establish a national human rights institution in the near future.

21. It was unclear why responsibility for the demarcation of Indigenous lands had been taken away from the Ministry of Indigenous Peoples; which Ministry had now been assigned that task; and how the demarcation process was being accelerated in line with the Constitution. She would like to know the current status of the case brought by the Xokleng Indigenous community, which related to the temporal cut-off point limiting the Indigenous land demarcation process to territories occupied by Indigenous communities in 1988. She wondered how the State party ensured that the National Indigenous Peoples Foundation (FUNAI) had sufficient funding and capacity to adequately protect the land and self-determination rights of Indigenous Peoples; how the senior officials of FUNAI had been selected; how the State party ensured the free, prior and informed consent of Indigenous Peoples in the development and implementation of laws, policies and measures that affected them; and what measures had been adopted to protect Indigenous Peoples and leaders who stood up for their land and self-determination rights from retaliation, criminalization and defamation campaigns. Information about steps taken to counter the inappropriate and unsustainable occupation of land and use of natural resources, for example, for illegal activities such as logging, mining, fishing and large-scale farming, would be helpful, and it would be interesting to know how the effectiveness of such steps was monitored.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

22. **Ms. de Oliveira** (Brazil) said that the right to freedom of assembly and association was protected by the Constitution and in law and was supported by the Government, which opposed discriminatory violence and was promoting the formulation of safety protocols to prevent human rights abuses from being committed by law enforcement officers in complex situations. The revival of trade unions was an issue in need of debate, in view of the challenges posed by job insecurity and insecure working arrangements, and had been the subject of reports prepared by the General Secretariat of the Presidency of the Republic.

23. The changed mindset in respect of civil society organizations brought in with the new Government had led to the creation, within the General Secretariat, of a social dialogue unit, a directorate for partnerships with civil society and a body responsible for promoting the exchange of good practices between civil society and the Government and helping to build partnerships. Initiatives to prevent a repeat of the restrictions imposed on public activities during the COVID-19 pandemic had also been launched, and recently introduced rules on virtual assemblies had increased the freedoms of civil society organizations. The Government was constantly monitoring any attempts to criminalize civil society movements, in particular the Movement of Landless Rural Workers. The high value attached to spaces for peaceful assembly had been exemplified by the current President's attendance at the Free Land Camp, a large annual gathering of Indigenous Peoples, in 2023.

24. The current Administration had adopted an ordinance promoting gender and racial parity and stipulating that persons of African descent people should make up at least 30 per cent of the members of boards with links to the General Secretariat. A database of civil society organizations that recorded partnerships concluded with the Federal Administration functioned as a transparency tool ensuring that the public's right to information was respected. Legislation undermining the influence of civil society organizations had been repealed, enabling them to participate more actively in public policy creation, help to define budgetary priorities and contribute to round-table dialogues with the Government. All ministries now included advisers from civil society and a direct channel had been set up for civil society organizations to submit requests to the country's leadership. The establishment of a national human rights institution was the subject of ongoing discussion; certain challenges and questions as to how the financial autonomy of such a body could be assured, in line with the Paris Principles, had yet to be resolved.

25. The Brazilian State had acknowledged its responsibility for violations suffered by the Quilombola communities in Alcântara before the Inter-American Court of Human Rights. It had suspended the removal of families and had set up two working groups as part of ongoing attempts to resolve the dispute. The Government fully supported the conclusion of ongoing investigations into the killings of Marielle Franco and Anderson Gomes. Charges had been brought against Ronnie Lessa and Élcio de Queiroz, who now faced trial by jury. A 2023 ruling by the Federal Supreme Court gave members of the victims' families access to the case files.

26. **A representative of Brazil** said that, since January 2023, the Government had resumed the demarcation of Indigenous and Quilombola lands, in line with the Constitution, after six years of paralysis. Thus far, there were six newly recognized territories and 15 demarcation procedures had been reviewed by FUNAI, which managed the multi-stage demarcation process under the supervision of the Ministry of Indigenous Peoples prior to its formalization by the Ministry of Justice and Public Security. FUNAI had established a total of 25 new working groups to study the demarcation of lands in five regions and had published two reports identifying and defining the boundaries of Indigenous lands. Measures designed to protect isolated and recently contacted Indigenous Peoples included the promulgation of FUNAI Ordinance No. 625/2023, which restricted access to Piripkura lands, and the establishment of an interministerial committee to plan and oversee protective action such as the removal of intruders.

27. In May 2020, the Federal Supreme Court had prohibited the expulsion of Indigenous communities from their lands. Although the case brought by the Xokleng community was ongoing, the authorities were firmly of the view that the 1988 cut-off point for the demarcation of Indigenous lands was unconstitutional and were moving towards the issue of a statement along those lines. The Government had also withdrawn support for bill No. 191/2020, which would have opened the door to unlawful mining on Indigenous lands, and had proposed a bill to strengthen regulations on the origin, purchase, sale and transportation of gold. Constitutional amendment proposal No.187/2016 was designed to allow for Indigenous lands to be managed in accordance with the vision of each Indigenous People.

28. **A representative of Brazil** said that a dedicated department had been established under the umbrella of several ministries, including the Ministry for Indigenous Peoples, to monitor land conflicts in rural and urban areas. The Ministry for Indigenous Peoples was responsible for coordinating the management of such disputes with stakeholders, including the judiciary, the public prosecutor, the National Council of Justice, public defenders and the security forces, with a view to mediating and securing peaceful resolutions to land conflicts across the country. The National Council of Justice had published a resolution establishing the special procedures, based on intercultural dialogue, to be followed in conflicts involving Indigenous Peoples. The right to prior consent was a fundamental right of Indigenous Peoples and the Government would be implementing the first protocol on prior consent in Yanomami territory in July 2023.

29. The budget of FUNAI had been increased and a special credit line had been opened. A competitive recruitment process would be carried out to enable it to recruit approximately 500 new staff members and an additional 100 temporary employees. The National Council for Indigenous Policy had resumed its work and comprised 30 representatives from Indigenous communities and 30 from non-Indigenous communities. Women should make up a minimum of 30 per cent of the Indigenous representatives and young persons should account for 20 per cent.

30. The delegation condemned the criminal burning of places of worship belonging to the Guarani-Kaiowá community. A member of that community had been appointed to lead the Department of Indigenous Languages and Memory, which would coordinate the development and implementation of policies to protect and strengthen Indigenous culture. The Aldeia Maracanã museum complex had been occupied by various Indigenous communities, some of whom had been permanently resettled following their eviction in 2013. The building had since been reoccupied and a decision on the matter was pending before the Federal Regional Court in Rio de Janeiro. Representatives from the communities involved had met with the Minister for Indigenous People in May 2023 and the Government was working to adopt provisions that would ensure respect for their rights.

31. **A representative of Brazil** said that the Programme for the Protection of Human Rights Defenders had been implemented in 2016 and, in 2019, its scope had been expanded to cover communicators and environmentalists. The Programme was executed through agreements with individual states so that they could tailor it to local needs. Eleven such agreements were in force, while states without an agreement were covered by the federal programme. The federal team comprised 126 expert staff and was currently helping 890 persons, most of whom were involved in land disputes. Defenders currently receiving protection came from a mix of rural and urban areas across the country and from different Indigenous communities and popular movements; all had been targeted by various forms of violence.

32. To address criticism that the Programme's implementation had been ineffective, pursuant to Decree No. 11,562 of 13 June 2023, an expert working group in which the Government and civil society would participate on an equal footing was to be established to devise a national plan to protect human rights defenders, communicators and environmentalists and device the corresponding regulatory framework. Input from the wider public would also be sought. The Ministry for Indigenous Peoples would ensure that any measures taken were adapted to the culture of Indigenous Peoples and, in view of the importance of dialogue with the security forces, consultations with the Ministry of Justice and Public Security would be organized.

33. The new Government was seeking to increase the budget allocated to the teams working on the Programme and to boost confidence in their work. To that end, it had consulted hundreds of threatened leaders and carried out field visits in five states. Under the 2023 budget law, the Programme had been allocated around 9 million reais, which would be supplemented by internal transfers. In addition, the Government would need to work with actors from the justice system and civil society to foster the inclusive political environment that was essential for overcoming the difficulties faced in extending the Programme's coverage to all states.

34. **A representative of Brazil** said that, in 2019, the previous Administration had issued a decree reassigning posts occupied by experts at the National Mechanism for Preventing and Combating Torture to the Ministry of the Economy and declaring that such work would no longer be remunerated. That decree had since been suspended by the Federal Supreme Court on the grounds that it had led to a backsliding in Brazilian efforts to combat torture, was unconstitutional and had resulted in the non-fulfilment of Brazil's international commitments. The previous Administration had set the Mechanism's budget for 2023 at around 33,000 reais, which was far below the amount required for it to effectively carry out its duties. The Ministry of Women's Affairs, Family and Human Rights had thus agreed to supplement that sum, bringing it up to 600,000 reais. The National System for the Prevention of Torture had been reactivated by the Ministry in 2023.

35. The Brazilian authorities did not yet possess a database providing information on the number of complaints received regarding torture in prisons. The National Council of Justice had established a database containing information on cases of torture that had gone to trial but the data held therein were not disaggregated by race and were not specific to cases of torture in prisons. Despite the best efforts of the public authorities and civil society in recent decades, difficulties persisted in producing unified data on the Brazilian prison system as a whole. As part of the Mandela Project, the Ministry of Women's Affairs, Family and Human Rights was working to improve the channels for receiving complaints of human rights violations in prisons and to develop a policy for mapping the data nationally.

36. Data on the value of reparations paid to victims of torture were currently unavailable. The Government was making every effort to apply the rulings of the Inter-American Court of Human Rights in order to address overcrowding and torture in prisons. Eighteen state committees and five national mechanisms had been set up to combat torture and the Government had taken steps to improve cooperation with subnational bodies with a view to overcoming the challenges presented by the federal system.

37. The Brazilian prison population stood at approximately 870,000 persons, 44 per cent of whom were awaiting trial. Inspections by the National Council of Justice had found that most prisons were overcrowded and 25 per cent were deemed to offer very poor conditions.

Prison overcrowding had been declared unconstitutional by the Federal Supreme Court on the grounds that it led to violations of multiple rights. The aim of the Mandela Project was to monitor the situation in prisons and carry out inspections with a view to guaranteeing the human rights of prisoners, including the right to due process, and preventing torture.

38. **A representative of Brazil** said that forced labour was an offence under article 149 of the Criminal Code, punishable by a fine and a term of imprisonment of 2 to 8 years. Anyone found guilty of subjecting their employees to forced labour would be included on a “dirty list” for two years, preventing them from obtaining loans from Brazilian banks. A number of entities were responsible for handing down such punishments and carried out inspections to ensure compliance with the relevant labour and criminal legislation. More than 1,700 complaints of forced labour had been received in the year to 25 June 2023, whereas in 2022 the number had been 1,000 and in 2021, around 1,600. The increase was the result of social media campaigns that had raised greater awareness of the issue. The number of workers rescued had been 1,959 in 2021, 2,587 in 2022 and 1,443 up to 14 June 2023 and a total of 461 investigations into forced labour were currently ongoing. A national referral system for victims had been set up in 2021, offering specialist support for rescued victims and standardizing the punishments handed down.

39. **A representative of Brazil** said that the system of the National Committee for Refugees (SISCONARE) had expedited the processing of asylum applications and enhanced decision-making, thereby contributing to the overall improvement of the asylum system. In 2019, the application of the Cartagena Declaration on Refugees in Brazil and the subsequent change in how the country recognized refugees had led to refugee status being granted to 20,000 Venezuelans, doubling the number of refugees in the country. In 2018, Operation Welcome had been launched to provide humanitarian protection to Venezuelans crossing the land border with Brazil, ensuring that the refugees’ basic rights and needs were met immediately.

40. Around 90,000 asylum applications were currently outstanding. In the first half of 2023, decisions had been made on 68,000 applications, 31,000 of which had been approved. Where refugee status had not been granted, it was likely that the individuals would continue to be protected by the Migration Law. Brazil had offered humanitarian visas to refugees from Afghanistan, Haiti, Syria and Ukraine and had applied the Cartagena Declaration to refugees from five more countries. Women who had been the victim of female genital mutilation and members of the LGBTIQ+ community facing hostility in their home country had been granted *prima facie* protection under the asylum system. There were strategies in place to protect migrants from countries such as the Dominican Republic and Senegal who had come to Brazil for labour-related reasons and were thus ineligible for protection under the asylum system.

41. **A representative of Brazil** said that the independence and autonomy of the judiciary was safeguarded by the Constitution. A nationwide public competition was held to recruit judges, with quotas established to ensure the representation of persons of African descent, women and persons with disabilities. A similar quota for Indigenous Peoples had been adopted the previous week. According to a study on persons of African descent in the judiciary, the creation of quotas had resulted in an increase in the number entering the profession from 12 per cent in 2015 to 20 per cent between 2016 and 2018.

42. The National Council of Justice was responsible for identifying and addressing misconduct by members of the judiciary. Despite the pandemic, the judiciary had managed to increase its productivity and improve access to justice as a result. For example, in 2021, it had handled 2.6 million more cases than in 2020, which had been possible because the justice system had been almost fully digitalized across most of the country.

43. Custody hearings were regulated by the National Council of Justice and, pursuant to resolution No. 213/2015, anyone arrested must be brought before a judge within 24 hours. Around 1 million custody hearings had taken place since 2015, 400,000 of which had resulted in individuals arrested in *flagrante delicto* being spared pretrial detention. The Federal Supreme Court had since ruled that custody hearings should be compulsory for other additional forms of arrest. As a result, there had been a 12 per cent decrease in the number of pretrial detainees since 2015. In 2021, an amendment to the Code of Criminal Procedure had

established that a person must be released if they had not received a hearing within 24 hours. Following the pandemic, the National Council of Justice had sought to ensure that all custody hearings were held in person. Detainees had the right to remain silent, to receive medical care and to be represented by a defence lawyer.

44. **A representative of Brazil** said that the Superior Electoral Court had successfully refuted allegations made against the electronic voting system and members of the Court by certain candidates in the 2022 elections and had maintained the integrity of the electoral system, making it possible for the will of the majority of the population to ultimately prevail. In 2019, the Court had adopted a resolution on electoral propaganda that envisaged prompt protection for candidates who were victims of offensive statements or false information. In a number of cases, the offensive content had been rapidly removed and fines had been imposed on the perpetrators. The resolution also provided for protection from harassment for women candidates and office holders; such conduct carried a penalty of 1 to 4 years' imprisonment and a fine.

45. **A representative of Brazil** said that the Public Defender Service had transmitted the case of Deborah Fabri to the Inter-American Court of Human Rights and was awaiting a decision on its admissibility. In 2021, the Federal Supreme Court had ruled that the State had an obligation to provide compensation to journalists who had been injured by police officers while covering protests. The Public Defender Service was required to provide legal counsel to individuals who took part in protests and had urged public entities to guarantee the right to peaceful assembly at the annual Free Land Camp.

46. Regarding the structure and budget of the Public Defender Service, under a 2014 constitutional amendment, every court district in the country now had to include public defenders. However, pursuant to another amendment in 2016, in response to inflation, a policy to contain public spending had been adopted, which had affected the expansion of the Public Defender Service. The judgment in the constitutionality suit against that amendment that had been brought before the Federal Supreme Court was pending.

47. **Mr. Helfer** said that, while he welcomed the information provided about the situation of Ms. Fabri, he would appreciate additional details on the status of the investigations into the other cases of excessive use of force to which he had referred. Similarly, he would welcome the delegation's comments on the "fake news" bill.

48. **Mr. Gómez Martínez**, commending the State party for reinstating the national mechanism for the prevention of torture and assigning it a budget, said that he would welcome further information on the Mandela Project. Given that Brazil was a federal State, he wished to better understand what entity had jurisdiction over the prison system. He invited the delegation to explain how the State party prevented the judiciary's image as an independent organ from being tarnished by politicization, to provide details on judicial training and the quota system for the selection of judges, and to comment on claims that the judicial system was elitist.

49. **Mr. Carazo**, noting the high proportion of women in the delegation and the presence of civil society, said that, although the outcome of the 2022 elections was promising for the protection of human rights in the country, the representation of women and Indigenous Peoples in elected office remained very low. What steps were being envisaged to rectify that situation in future?

50. **Ms. Donders** said that it was unclear whether the Programme for the Protection of Human Rights Defenders would be rolled out countrywide and how threats and violence committed against defenders by private actors were addressed. Regarding the Xokleng case, she welcomed the delegation's unequivocal stance that the cut-off point was unconstitutional but wondered whether the executive branch shared that position. Lastly, she wished to know how the State party intended to ensure that the legal reforms currently before the legislature would strengthen rather than weaken the right of Indigenous Peoples to natural resources and whether it adhered to the principle of free, prior and informed consent in matters related to such resources.

51. **Mr. Soh** said that he would welcome a reply to his questions about the investigations into allegations of forced eviction in the context of the Olympic games and the COVID-19

pandemic and about the right to privacy, including the protection of personal information and especially the privacy of children, when using certain software.

52. **Mr. El Haiba** said that he invited the delegation to comment on reports that persons of African descent, in addition to being underrepresented, were also victims of harassment and even threats of extermination and on the obstacles facing the transitional justice process. Did the State party plan to initiate such a process vis-à-vis the Indigenous population?

53. **Mr. Ndiaye** asked whether the quota system in the judiciary might also be applied to increase the representation of persons of African descent in elected office; whether there was a federal or state-level programme to protect street children; whether the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles) were part of police and judicial training; and how the State party ensured that its federal structure did not impede the application of international standards throughout its territory.

54. **Ms. de Oliveira** (Brazil) said that her delegation welcomed the constructive dialogue with the Committee as well as the opportunity to renew the country's commitment to the human rights system, towards which the previous administration had adopted a confrontational stance. The delegation looked forward to the Committee's recommendations, which would help the Government to evaluate the impact of its actions on human rights and to improve the policy and legal framework.

The meeting rose at 1 p.m.