



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Information received from Brazil on follow-up to
the concluding observations on its second periodic
report***

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* The present document is being issued without formal editing.



1. On April 19-20, 2023, during the 76th Session of the UN Committee against Torture, Brazil participated in the evaluation of its second periodic report on the implementation of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).
2. On May 11, 2023, the Committee published a report of final observations on the evaluation of Brazil.¹ As per paragraph 51 of the report, the Committee requested the Brazilian State to provide information on the compliance with the recommendations regarding the excessive use of force by police and military authorities, detention conditions, juvenile justice, and the national preventive mechanism, as well as information on the plans for implementing the Committee's other recommendations.
3. In Brazil, crimes of torture are defined by Law No. 9,455, dated April 7, 1997. A decade later, the country adopted the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of the United Nations (OPCAT), with the publication of Decree No. 6,085 on April 19, 2007.²
4. The prevention and combat of torture in Brazil are organized through the National System for the Prevention and Combat of Torture (SNPCT), established by Law No. 12,847, dated August 2, 2013.³ However, the prohibition of torture and inhuman treatment had already been enshrined in the 1988 Federal Constitution. The SNPCT's main objective is to strengthen the prevention and combat of torture through the coordination and cooperation among its members, promoting, among other actions, the exchange of information and the dissemination of best practices.
5. The SNPCT is composed of four main institutions: the National Committee for the Prevention and Combat of Torture (CNPCT); the National Mechanism for the Prevention and Combat of Torture (MNPCT); the National Council for Criminal and Penitentiary Policy (CNPCP); and the entity within the Ministry of Justice and Public Security (MJSP) responsible for the National Penitentiary System.
6. The CNPCT, chaired by the Minister of Human Rights and Citizenship, is the central coordinating and supervisory body within the SNPCT. Its mission is setting strategic priorities and providing oversight, ensuring compliance with international human rights standards. The MNPCT is an autonomous and independent body that monitors conditions in these locations and makes recommendations to improve the treatment of individuals deprived of liberty, working in collaboration with the Committee. The CNPCP is an entity linked to the MJSP, responsible for formulating guidelines and policies related to the penal and penitentiary system in Brazil.
7. In consideration of the foregoing, this report furnishes updated information regarding the adherence to the aforementioned recommendations.

Excessive Use of Force by Police and Military Authorities

8. The MJSP has adopted measures to ensure that all law enforcement and security agents are trained in accordance with international standards of proportionality, necessity, and legality in the use of force. As part of these measures, the MJSP issued Ordinance No. 556 on January 8, 2024,⁴ which established a Working Group (WG) responsible for reviewing the current regulations on the use of force by public security agents. This includes the update of Interministerial Ordinance No. 4,226 of December 31, 2010,⁵ and the regulation of Law No. 13,060 of December 22, 2014.⁶
9. The ordinance appoints the members of the Working Group, including secretariats of the MJSP, the Ministry of Racial Equality (MIR), the Federal Police (PF), the Federal

¹ CAT/C/BRA/CO/2.

² https://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2007/Decreto/D6085.htm.

³ https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/112847.htm.

⁴ https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/112847.htm.

⁵ <https://www.conjur.com.br/dl/in/integra-portaria-ministerial.pdf>.

⁶ https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/113060.htm.

Highway Police (PRF), the National Council of the Public Prosecution Office (CNMP), among others. International entities, such as the United Nations Office on Drugs and Crime in Brazil (UNODC) and the Regional Delegation of the International Committee of the Red Cross, also participate. The WG is responsible for drafting an ordinance with guidelines on the use of force by public security agents, a draft decree regulating the use of less-lethal instruments across the national territory, and a final report detailing the actions taken and the results achieved.

10. The MJSP's National Body Camera Project,⁷ which aims to introduce body cameras and other electronic surveillance measures, is part of a broader strategy to increase accountability within police forces. The project also seeks to promote integration, collaboration, and cooperation among the members of the Unified Public Security System (SUSP) and to strengthen institutional resources in areas such as process routinization, standardization of procedures, and digital transformation.

11. Since December 2023, data related to police lethality has been made publicly available through an electronic panel for external control of investigations into deaths resulting from police activities,⁸ a tool developed by the CNMP to enable more effective and comprehensive oversight of deaths resulting from police activity.

12. Another important initiative was the publication of Ordinance No. 422 by the Presidency of the National Council of Justice (CNJ) on December 21, 2022,⁹ which established a Working Group entitled "Citizen Police - Reduction of Police Lethality," in response to the decision rendered in the case of the Allegation of Disobedience of Fundamental Precept (ADPF) No. 635 of the Supreme Federal Court (STF), which restricted police operations in communities in Rio de Janeiro during the Covid-19 pandemic, between 2021 and 2022.

13. The aforementioned ADPF determined that the use and monitoring of the legality of force should be conducted in light of the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*,¹⁰ adopted with all the derived implications, particularly regarding the exceptional nature of conducting police operations. Finally, the extension of the WG Citizen Police was ordered until December 2024,¹¹ as well as its integration into the CNJ's Human Rights Observatory, to establish standards on issues such as compliance with judicial warrants, anonymous denunciations, among others.

Detention Conditions

14. The MJSP has reinforced policies to ensure the strict separation between individuals in pretrial detention and those serving sentences, in accordance with international human rights standards. Law No.13,167, dated October 6, 2015,¹² strengthens these efforts by requiring the segregation of pretrial detainees and convicted prisoners, in compliance with Article 84¹³ of the Penal Execution Law, which ensures separation based on legal status to protect rights and ensure fair treatment.

15. The MJSP has also taken significant measures to improve the structure and operational protocols of prison units, ensuring that female wards are completely separated from male wards, thus guaranteeing the privacy and safety of female inmates. This separation is supported by the National Policy for Comprehensive Health Care for People Deprived of Liberty in the Prison System (PNAISP). Additionally, the MJSP, in collaboration with the

⁷ https://www.gov.br/mj/pt-br/assuntos/sua-seguranca/seguranca publica/cameras-corporais/sei_27483737_portaria_do_ministro_648.pdf.

⁸ <https://public.tableau.com/app/profile/cnmp/viz/ControleexternoinvestigaoMortesDecorrentesdeIntervenoPolicia/Abertura>.

⁹ <https://www.cnj.jus.br/wp-content/uploads/2022/12/sei-1461795-portaria-presidencia-422-2022.pdf>.

¹⁰ <https://gddc.ministeriopublico.pt/sites/default/files/principiosbasicos-armasfogo.pdf>.

¹¹ <https://atos.cnj.jus.br/atos/detalhar/5395>.

¹² https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/L13167.htm.

¹³ https://www.planalto.gov.br/ccivil_03/leis/l7210.htm.

CNJ, supervises the implementation of these policies and provides training to prison staff on gender sensitivity and the protection of women's rights.

16. To ensure the effective implementation of these measures, the MJSP has developed partnerships with civil society organizations and international bodies, including the UNODC, to align correctional practices with global best practices. The MJSP also supports initiatives to improve the infrastructure of correctional facilities, addressing overcrowding and inadequate living conditions that may hinder the separation of detainees and convicted individuals.

17. The CNMP approved Recommendation No. 111, dated April 30, 2024,¹⁴ which guides branches and units of the Public Prosecutor's Office to adopt effective measures for the prevention and combat of torture and mistreatment in places of deprivation of liberty, in accordance with international treaties signed by Brazil and the national legal framework.

18. The Manual for Combating Torture and Mistreatment in Prison Facilities is in its final stages of preparation and will provide detailed guidelines for the actions of Public Prosecutor's Office members in this area. The manual represents an effort by the Brazilian State to combat impunity, highlighting the fundamental role of institutional oversight in combating torture. With clear guidelines and methodologies for action, the document will be a crucial tool for promoting a culture of respect for human dignity and legality in the prison system.

19. Moreover, the Public Prosecutor's Office has incorporated specific questions into the prison system inspection forms to collect data on torture, aiming to overcome the lack of information in this area. The data collected through these forms will be publicly available starting in 2025.

20. In 18 Federal Units, the creation of institutional bodies, mechanisms, and strategies for combating and preventing torture is underway, implemented by state and regional Courts of Justice.

21. A public monitoring panel of the National Register of Inspections in Penal Facilities¹⁵ is available, an electronic tool that consolidates comprehensive information on the entire national territory into a single database.

22. Periodic inspections are also conducted in penal facilities by competent bodies, followed by the production of reports to support prison management – containing data and photographs of the units visited, suggestions, and recommendations – and subsequent submission to the authorities involved in penal execution and other oversight bodies.

23. The Association for the Prevention of Torture (APT) has renewed its partnership with the CNJ to strengthen and equip technical training for the work of judges and courts in combating torture. Additionally, since 2019, the APT and the Brazilian State have been developing joint actions for the prevention of torture, such as organizing workshops, webinars, drafting technical guidelines, and contributing to the development of norms on forensic guidelines and questions, such as CNJ Resolution No. 414/2021.¹⁶

24. In 2023, the CNJ launched the *Guide on the Rights of People Deprived of Liberty and Former Inmates of the Prison System*¹⁷ addressing the rights and duties of individuals in deprivation of liberty, former inmates, and their families, both during and after penal execution. The guide emphasizes the need for compliance with international norms, such as the Mandela Rules and the Bangkok Rules, highlighting the total separation between men and women in prison facilities. Additionally, it stipulates that in mixed prison units, the female section must be managed by female staff, and male staff may only enter the unit when accompanied by a female staff member.

¹⁴ <https://www.cnmp.mp.br/portal/images/CALJ/recomendacoes/Recomendao-n-111.pdf>.

¹⁵ <https://www.cnj.jus.br/cadastro-nacional-de-inspecoes-nos-estabelecimentos-penais-cn iep/>.

¹⁶ <https://atos.cnj.jus.br/atos/detalhar/4105>.

¹⁷ <https://www.cnj.jus.br/wp-content/uploads/2023/07/cartilha-de-direitos-das-pessoas-privadas-e-egressas.pdf>.

25. It is important to note that in the judgment of ADPF No. 347,¹⁸ the STF recognized the state of unconstitutional conditions in the Brazilian prison system, due to the severe and widespread violation of the fundamental rights of prisoners. The STF emphasized that this situation is incompatible with the norms established in Articles 3 and 5 of the 1988 Federal Constitution, the international human rights treaties to which Brazil is a signatory, and other applicable laws on the subject.

26. The national plan “Fair Sentence”¹⁹ is in its final stages of preparation, aimed at addressing the state of unconstitutional conditions in Brazilian prisons, as determined by the STF at the conclusion of the judgment of ADPF No. 347 in October 2023. Developed in partnership with the Union, the CNJ, institutions, and civil society, the plan aims to create a prison system that promotes security and facilitates the social reintegration of former inmates, with shared responsibilities. Among its guidelines are the effective separation of detainees according to procedural status and the nature of the crime, with provisions to involve the competent court in case of non-compliance or institutional obstacles. Combating institutional racism is a central dimension of the actions and measures of the plan.

Juvenile Justice

27. The National System for Socio-Educational Assistance (SINASE) establishes guidelines for managing socio-educational measures for adolescents in conflict with the law. Efforts have been reinforced to ensure that facilities meet international standards for sanitation, hygiene, safety, and education, as well as the construction and renovation of detention centers to accommodate the needs of youth and reduce overcrowding, emphasizing the importance of a rehabilitative rather than punitive approach.

28. The MJSP launched the National Socio-Educational Assistance Plan (PNAIS) 2021-2025, ensuring access to health services, education, and socio-educational programs, with the provision of culturally diverse and appropriate rehabilitation opportunities. The Plan also mandates regular inspections of facilities to ensure compliance with health and safety standards and promotes a holistic approach to rehabilitation.

29. The MJSP has adhered to the guidelines set by the United Nations Convention on the Rights of the Child, committing to separate adolescents from adults in detention centers and investing in the training and development of staff at these facilities. Through partnerships, the MJSP provides ongoing professional development programs for staff, equipping them with the necessary skills to effectively manage and support young people deprived of liberty.

30. Regarding the Brazilian juvenile justice system, CNJ Resolution No. 326/2020²⁰ established that local courts, within a maximum period of one year, promote refresher and professional qualification courses for judges and staff working in socio-educational matters, with the curriculum to include applicable international principles and standards.

31. The CNJ also issued Recommendation No. 87 of 2021,²¹ guiding the responsible courts and judges to ensure that the initial integrated care provided to adolescents in conflict with the law adheres to the principles of exceptionality, the brevity of the imposition of socio-educational measures and provisional detention, and the exceptional nature of judicial intervention.

32. The Concentrated Hearing,²² held semi-annually, is a mechanism that ensures the fundamental rights of children and adolescents deprived of liberty. Presided over by the Youth and Adolescence Judge, it brings together prosecutors, public defenders, technical teams, the Guardianship Council, and municipal secretariats to reassess the legal and psychosocial situation of adolescents in socio-educational measures of detention and semi-liberty.²³ These hearings ensure principles such as brevity, legality, and the participation of

¹⁸ <https://portal.stf.jus.br/processos/detalhe.asp?incidente=4783560>.

¹⁹ <https://www.gov.br/senappen/pt-br/assuntos/pena-justa/arquivos/resumo-adpf.pdf/>.

²⁰ <https://atos.cnj.jus.br/files/original203228202006305efba15c2a6cd.pdf>.

²¹ <https://www.cnj.jus.br/wp-content/uploads/2022/06/manual-recomendacao-87-2021-1.pdf>.

²² <https://atos.cnj.jus.br/atos/detalhar/4013>.

²³ Lei 8069/1990, Artigo 19, parágrafo 4º: https://www.planalto.gov.br/ccivil_03/leis/18069.htm.

adolescents and their families. Currently, 17 Federal Units have already adopted the Concentrated Hearing.

33. In 2021, a normative²⁴ was published establishing guidelines and procedures for the Judiciary and its auxiliary services regarding the implementation and operation of the Vacancy Management Center, responsible for managing vacancies in socio-educational facilities. This measure, which aims to combat overcrowding in juvenile detention centers, seeks to qualify admissions into the closed socio-educational system and stipulates that facilities cannot operate at more than 100% of their capacity. Currently, 21 Federal Units have joined this initiative.

34. Actions to provide reading materials and sports activities in socio-educational units have been implemented, through the standardization of processes and parameters to universalize access to books in socio-educational establishments. In 2022, literature and reading events were promoted among adolescents in socio-educational measures of deprivation of liberty in about 60 units across the country, and in 2023, the second edition of the event covered 80 socio-educational units.

35. Under SINASE, a new version of the National Information System on Socio-Educational Assistance is being developed, which will contribute to improving the management of care provided in all socio-educational programs and services, in compliance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

36. The new version of the National Socio-Educational Assistance Plan (2025-2035) is being developed by the MDHC with the participation of civil society and will address structural issues in socio-educational care, such as militarization and ensuring human rights for the full dignity of children and adolescents.

37. The National Survey on Socio-Educational Assistance has been strengthened to disseminate information about the care provided by the States and to develop government strategies aimed at overcoming contexts of violence. Additionally, continuous investments are being made in the qualified training of professionals working in the Socio-Educational System, through the articulation for the implementation of State Socio-Education Schools, aiming at the proper training of these professionals in attending to adolescents undergoing socio-educational measures.

38. The MDHC, in partnership with the National Council for the Rights of Children and Adolescents, developed the National Guidelines for Combating Institutional Violence and Torture in Socio-Education, which aim to establish effective protocols and actions to overcome the violation of rights in socio-educational establishments.

National Preventive Mechanism

39. The MDHC is responsible for planning, coordinating, and monitoring actions to prevent and combat torture, other cruel, inhuman, or degrading treatment, and institutional violence. The Ministry collaborates with educational centers, public security institutions, and criminal justice, as well as media outlets, to promote the debate on torture in Brazil. It also supports and oversees the training of professionals in these sectors, in addition to monitoring the allocation of resources and projects related to the topic.

40. The MDHC is also responsible for providing technical, financial, and administrative support to the MNPCT. In 2023, there was a budgetary recomposition for the MNPCT, with an additional R\$514,662.00, compared to the R\$126,971.00 initially allocated.

41. The MJSP has been working closely with state governments to establish State Systems for the Prevention and Combat of Torture (SEPCT), with the aim of strengthening and coordinating the network for the prevention and combat of torture in the states. In line with Recommendation No. 13, dated April 24, 2024,²⁵ issued by the CNPCT, which establishes

²⁴ <https://atos.cnj.jus.br/files/original19543320210125600f21f9370a1.pdf>.

²⁵ <https://www.gov.br/participamaisbrasil/blob/baixar/49040>.

guidelines for the creation and strengthening of Committees and Mechanisms for the Prevention and Combat of Torture in the Federal Units. In the states, the structure for preventing and combating torture should mirror the national one, with a System, a Committee, and a Mechanism, in addition to other actors with recognized expertise in this field.

42. In 2023, the MDHC implemented the ObservaDH,²⁶ which aims to disseminate and analyze strategic information on the human rights situation in Brazil. ObservaDH²⁷ is a public access virtual platform that gathers human rights indicators and indexes, presented through data narratives and dashboards. Among the MDHC's priority themes, the platform includes a section dedicated to "Persons Deprived of Liberty," where information about the SNPCT and SEPCT is made available.

43. According to data from the ObservaDH panel, 17 out of the 27 Federal Units (63%) have established both State Committees for the Prevention and Combat of Torture and corresponding State Mechanisms through legislation. However, only five states – Acre, Paraíba, Pernambuco, Rio de Janeiro, and Roraima (18.5%) – have both components fully operational. The SEPCTs are crucial for uniting key stakeholders and coordinating efforts to effectively address practices and routines that contribute to torture within the states. Of the 23 states that have legally instituted SEPCTs through laws or decrees, 20 were actively functioning in 2024.

44. Brazil is preparing a call for applications to select new experts for the MNPCT, with the goal of completing the body's staff. Additionally, the country supports the implementation and strengthening of the SEPCTs, in accordance with OPCAT, with plans to launch a mapping of these systems in the second half of 2024. Human Rights Caravans will also be conducted, a project aimed at proposing public policies in penitentiary and socio-educational units, the focus of measures in the Inter-American Human Rights System.

45. The CNJ produced the *Manual for the Prevention and Combat of Torture and Mistreatment for Custody Hearings*,²⁸ which is part of a set of actions to strengthen Custody Hearings, the entry point for individuals in conflict with the law into the justice system.

46. The *Manual on Handcuffs and Other Restraint Instruments in Judicial Hearings*,²⁹ developed by the CNJ, clarifies that the use of handcuffs and restraint instruments poses risks to physical and psychological integrity, as they are invasive and highly likely to cause injuries, pain, and humiliation. The corresponding normative³⁰ restricts the use of handcuffs, allowing them only in cases of resistance, risk of escape, or danger to physical integrity, whether of the individual or others, and requires written justification for the exception. In this context, the improper use of handcuffs may be considered an indication of torture or cruel, inhuman, or degrading treatment.

47. The Public Defender's Office (DPU) launched the "Defender Everywhere Plan"³¹ in 2024, with the aim of expanding services across the country, targeting vulnerable groups, such as women and traditional communities. The Plan's primary focus is to reduce the recurrence of fundamental rights violations, including situations of torture and degrading treatment.

48. Data on the demands of the Brazilian population related to the penal system, received by institutional bodies, are collected, processed, and made available by the MJSP through the Complaints Handling Panel.³² By April 2024, the Panel recorded approximately 783 complaints, of which 561 were reports of mistreatment, torture, or threats perpetrated by actors within the Penal System, most of which involved disrespect for legal and fundamental

²⁶ <https://www.gov.br/mdh/pt-br/aceso-a-informacao/institucional/portarias/portaria-no-571-de-11-de-setembro-de-2023>.

²⁷ <https://observadh.mdh.gov.br/>.

²⁸ https://www.cnj.jus.br/wp-content/uploads/2020/11/manual_de_tortura-web.pdf.

²⁹ https://www.cnj.jus.br/wp-content/uploads/2020/10/Manual_de_algemas-web.pdf.

³⁰ Resolução CNJ nº 213/2015: <https://atos.cnj.jus.br/atos/detalhar/2234>.

³¹ <https://direitoshumanos.dpu.def.br/plano-nacional-defensoria-em-todos-os-cantos-amplia-atuacao-da-dpu-em-todo-o-pais/>.

³² https://www.gov.br/senappen/pt-br/canais_atendimento/ouvidoria.

guarantees. The complaints are forwarded to the relevant sectoral bodies for appropriate action.

49. Anonymous complaints, whether made by email, letters, telephone, or through the “Integrated Ombudsman and Access to Information Platform” – Fala.Br,³³ are also received and forwarded. This system guarantees the complainant independence, accessibility, privacy, and security, allowing individuals deprived of liberty, their families, and other interested parties to make complaints safely and confidentially.

50. In 2024, the MDHC established within its structure a sector responsible for producing reports and monitoring international human rights recommendations, as well as signing a Technical Cooperation Agreement with the government of Paraguay for the construction of SIMORE Brazil, which will be launched in 2026, responding to a historic demand from civil society for a transparent monitoring mechanism that enables the implementation of human rights rulings and recommendations, as well as other international obligations in the national context.

³³ <https://falabr.cgu.gov.br/web/home>.