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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review**

**Brazil \***

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its first session from 7 to 18 April 2008. The review of Brazil was held at the 9th meeting on 11 April 2008. The delegation of Brazil was headed by H.E. Mr. Rogério Sottili, Executive Secretary, Special Secretariat of the Presidency of the Republic on Human Rights. For the composition of the delegation, composed of 16 members, see appendix below. At its 13th meeting held on 15 April 2008, the Working Group adopted the present report on Brazil.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Brazil: Gabon, Saudi Arabia, and Switzerland.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Brazil:
  - (a) The national report submitted in accordance with paragraph 15 (A/HRC/WG.6/1/BRA/1);
  - (b) The compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/1/BRA/2);
  - (c) The summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/1/BRA/3).
4. A list of questions prepared in advance by Ireland, Germany, Portugal, Italy, Denmark, and Sweden was transmitted to Brazil through the troika. These questions are available on the extranet of the Universal Periodic Review.

## **II. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 9th meeting, held on 11 April 2008, the Head of Delegation of Brazil, H.E. Mr. Rogério Sottili, Executive Secretary, Special Secretariat of the Presidency of the Republic on Human Rights, introduced the national report.
6. Mr. Sergio Abreu e Lima Florencio, Ambassador, Deputy Representative of Brazil to the United Nations Office at Geneva, recalled Brazil's voluntary pledges to participate in the UPR in a constructive and transparent manner and noted its confidence that the UPR will reinforce the principles of universality, indivisibility and non-selectivity. Mr. Rogério Sottili, Head of the delegation, Executive Secretary, Special Secretariat of the Presidency of the Republic on Human Rights, also noted confidence in the construction of the new system.
7. Brazil's large territory (more than 8.5 million km<sup>2</sup>) and population (187 million) were mentioned as an indication of the challenges regarding implementation of human rights policies.
8. The delegation of Brazil stressed that the elaboration of the national report resulted in consultations with different bodies and offered the opportunity for an inter-ministerial reflection on the human rights challenges in the country. In this context, several consultations were organized

with the participation of representatives from civil society and the National Councils. These consultations led to a public hearing in the Federal Senate and contributions from stakeholders were reflected in the national report.

9. Brazil was aware of the need to advance towards the full realization of human rights and to include human rights in all normative instruments, although it recognizes that legislation alone does not guarantee implementation.

10. Brazil has also extended a standing invitation to all special procedures, several of whom have visited Brazil in the recent years. Brazil has also maintained a close relationship with treaty body mechanisms.

11. The economic growth, stability and social development under President Lula's administration have been crucial to the strengthening of a dialogue with civil society. Within its social programmes, including the Family Allowance Programme (*Bolsa Familia*), the country has achieved the first of the eight Millennium Development Goals, including the reduction of extreme poverty by half by 2015. Between 1990 and 2005, extreme poverty has been reduced from 28 per cent to 16 per cent and poverty reduced from 52 per cent to 38 per cent. In absolute terms, between 2003 and 2005, around 10 million Brazilians surpassed the poverty line. Income inequality has also reduced. To date, around 45 million people - one quarter of the population - are beneficiaries of the Family Allowance Programme.

12. Brazil stressed that 2008 was marked by the sixtieth anniversary of the Universal Declaration of Human Rights and the 120th anniversary of the abolition of slavery, both of which form a part of the country's continuous fight against discrimination and racism. In October of this year, Brazil will celebrate 20 years of the rule of law, as the basis for the consolidation of the culture of democratic citizenship and prevalence of human rights.

13. Nonetheless, the country continues to face violence and many forms of exploitation, including forced labour and sexual exploitation, including of children and adolescents. Within the framework of the Statute on Children and Adolescents (*Estatuto da Crianca e do Adolescente*), action plans to overcome these issues have already been put in place as children and adolescents are amongst the Government's priority goals.

14. The delegation of Brazil informed that a National Conference on Human Rights and a conference on lesbian, gay, bisexual and transgender (LGBT) rights will take place this year, involving a great number of NGOs. Brazil will also host the Third World Conference on Combating Sexual Exploitation of Children and Adolescents with an anticipated participation of 130 countries, as well as the 2008 preparatory regional conference for the 2009 Durban Review Conference. The Brazilian delegation added that there are today in Brazil 35 Councils of the Republic with social participation.

15. Brazil indicated its awareness of progress achieved in the area of human rights but also admitted its remaining challenges. It stressed the need to accelerate work on combating torture, a practice that is unacceptable but still present, and a crime to which no statutory limitations apply according to the Constitution. Brazil noted its concern regarding reports of torture at the international level in cases of terrorism investigations. Brazil also noted the need to improve the system of protection of human rights defenders throughout the country.

16. In the context of the sixtieth anniversary of the Universal Declaration, Brazil has proposed the creation of Human Rights Voluntary Goals stemming from an initiative of the States of

MERCOSUR. Brazil is committed to disseminating the basic idea of human rights and the articles of the Universal Declaration among the Brazilian population.

17. Ms. Rosilene Rocha, the Executive Secretariat of the Ministry of Social Development and Combat of Hunger stressed the pivotal role played by social security in the reduction of extreme poverty, and that Brazil had created the Ministry she was leading. In 2003, the Zero Hunger plan (*Fome Zero*) led to the creation of the Organic Law on Food Security approved by the National Congress in 2006 and of a programme on food supply (*Programa de Aquisicao de Alimentos*).
18. The Family Allowance Plan and the *Beneficio* programme have led to reducing the inequality gap down to 28 per cent. The Family Allowance Plan was based on access to cash transfer, to education and to health with a view to breaking the poverty cycle and empowering poor families. This programme reached out to 11 million people including 100,000 families.
19. Mr. Pedro Abramovay, Under-Secretary for Legislative Affairs of the Ministry of Justice, referred to violence as a serious issue. He stated that more than 40,000 homicides took place last year and more than 420,000 people were currently in prison although there has been a 20 per cent reduction in homicides since 2003 and a decrease in the growth rate of the prison population since 2007. In this regard, Brazil has launched a national programme for public security (*Programa Nacional de Seguranca Publica com Cidadania*). Ninety prisons for young people and women have been created with the aim of providing education and social reinsertion. A scholarship will also be given to police officers with low income under the condition of attending human rights training. In the most dangerous regions in the country, social programmes combined with non-violent conflict resolution programmes will be implemented.
20. Mr. Rolf Hachbart, President of the National Institute of Colonization and Agrarian Reform, noted that Brazil had large reserves of water, energy and biodiversity resources with ample opportunities to promote sustainable development. These measures aim to build new agricultural models, with a view to protecting the environment and ending violence generated by disputes of land, particularly with regard to the public lands of the indigenous population and of the afro-descendent population. He also mentioned the goal of the Brazilian Government to include 100,000 families in the National Programme of Agrarian Reform in 2008.
21. On gender issues, Ms. Ana Paula Goncalves, Special Secretariat of the Presidency of the Republic on Women Policies, stated that the special secretariat for the promotion of women was created in 2003 with a ministerial status to assist the President on issues related to women. Violence against women was a central issue within the Secretariat, whose actions focused on strengthening a network of assistance to women, including training, promotion of new legislation and judiciary proceedings. To date, 49 courts specializing in domestic violence were operating as a result of the law on violence against women (*Maria da Penha Law*).
22. To conclude Brazil's opening statement, Ms. Marcia Canario, Special Secretariat of the Presidency on the Promotion of Racial Equality, acknowledged Brazil's long history of discrimination but also its firm commitment to eliminate this injustice. To this end, Brazil has adopted a number of political, administrative and legislative measures to promote equality, equal opportunities and access to public goods. A special secretariat has been created to promote access to education, health, labour and land for all ethnic and racial groups, as Brazil is committed to the outcome of the Durban Conference.
23. In the course of its presentation, the Brazilian delegation agreed that there is a need to include human rights in all normative instruments, to accelerate its work on combating torture and to improve the system of protection of human rights defenders. It also stated that children and

adolescents are amongst the Government's priority goals. In this regard, Brazil will hold the Third World Conference on Combating Sexual Exploitation of Children and Adolescents. It agreed with measures aimed at building new agricultural models. Brazil finally reiterated its firm commitment to eliminate the injustice of discrimination.

#### **B. Interactive dialogue and responses by the State under review**

24. During the ensuing interactive dialogue, a number of delegations welcomed Brazil's commitment and achievements. Brazil was also praised for the high quality of its presentation and its national report, as well as for the participatory and open approach adopted regarding the preparation of the report. Numerous delegations commended Brazil's recognition of its remaining challenges and issues. During the interactive dialogue, 44 delegations made statements.

25. On the issue of discrimination against women based on their age and their rural and their ethnic origin, Slovenia asked about concrete steps taken by the Government to stop those discriminations and to improve the low number of women receiving pensions. Slovenia also enquired about the actions undertaken by the Government to reduce the alleged number of adolescents deprived of liberty, as it has grown by 325 per cent between 1996 and 2006, and this is a very worrying signal. Slovenia requested that Brazil provide information on progress on gender issues and recommended that a gender perspective be fully integrated in the follow-up process to the UPR review.

26. Colombia considered gender equality as one of the priorities of public policies. Colombia referred with great interest to Brazil's experience in the fight against domestic violence and violence against women. It requested more details about the factors that would favour the implementation of the National Pact to combat domestic violence. The delegation indicated that Colombia promoted the UPR as an opportunity to exchange the best practices and to facilitate horizontal cooperation between States facing the same issues. In this regard, Brazil's preparation for the UPR constituted an excellent example.

27. China recognized Brazil's great strides to reduce poverty and to address family planning, education, food, health, and racial discrimination. China wished that this progress continue and requested information about the Single Health System, specifically enquiring about how it functions and the areas in need of improvement.

28. Azerbaijan welcomed the 2005 constitutional amendment and noted the adoption of a National Human Rights Programme. It appreciated the involvement of civil society in that process and the good practice in organizing National Human Rights Councils. Azerbaijan also commended on the steps made by the Government towards ensuring the rights of women and eliminating gender inequality and domestic violence. The delegation asked Brazil to elaborate more on the effectiveness and the obstacles faced during the creation of the Special Secretariats in various fields of human rights. Azerbaijan also enquired about steps to be taken to accelerate the reduction of gender inequality. Noting with appreciation the interaction of Brazil with special procedures mandates holders; Azerbaijan requested further information on the relevance of criminal justice systems reforms.

29. Peru welcomed the enactment by Brazil of some of the most progressive laws of the region protecting human rights. Regarding the right to memory and to truth, it also requested information on the Special Commission of Political Dead and Disappeared People, and if the achieved results were used to identify and prosecute individuals responsible for violating human rights. Reiterating the importance of citizens having access to public information, Peru recommended that Brazil do its utmost to ensure that Congress adopt the law in this domain.

30. India referred to the initiative to develop a national system of human rights indicators as having far reaching implications beyond the national level. In this regard, India wished to know the present status of the proposal and if any pilot projects had been carried out targeting specific areas covered by the National Human Rights Programme and whether these indicators would be used by the National Human Rights Councils. India also noted with interest the 2005 constitutional amendment and expressed interest in knowing about instances where this amendment has been applied.

31. Malaysia recognized Brazil's achievements in health and poverty reduction, including its commitment to combat AIDS. It requested that Brazil elaborate on its experience to fight pandemic diseases and enquired about Brazil's achievements in education, specifically with regard to guaranteeing education for the segments of the population living in remote areas. Malaysia also requested information on the progress made on women's rights and gender equality in the legislature and executive positions.

32. Ghana congratulated Brazil for the establishment of three special secretariats, and for having initiated a discussion since 2007 aimed at creating a national system of human rights indicators. Ghana stressed that even more commendable is the frankness with which the Government has admitted the weaknesses and inequalities in the country, especially in the areas of gender, income distribution and opportunities for African descendants and other minorities. Ghana recommended assistance to the Government to address these challenges. Regarding the right to education and Brazil's Education Development Plan within the framework of development strategies aimed at reducing inequalities among vulnerable groups, Ghana asked whether the Plan or other strategies included programmes to address youth violence. Finally Ghana wished to recommend the continued commitment by the Government to the programme of land reforms and to resolving the issue of abuse of power and excessive use of force.

33. Cuba requested that Brazil provide information and details on the Zero Hunger programme which is an innovative human rights programme to implement the right to food.

34. Pakistan welcomed, inter alia, the methodology used for the preparation of the national report and for the acknowledgment of difficulties and challenges regarding violence against women, racial inequality, land reform, and minorities. It asked Brazil about the reasons for the lack of implementation and the steps it plans to take to address this issue.

35. The Netherlands appreciated Brazil's initiative to bring serious human rights abuses under Federal Law and requested an update on the initiative's progress. The Netherlands referred to the national report and reiterated the challenges Brazil faces in the eradication of torture. It enquired about practical measures that have been taken in this regard and whether a witness protection programme has been considered. If such a programme will indeed be considered, the Netherlands expressed interest in being updated on its progress. It suggested that if the initiative to bring serious human rights abuses under Federal Law has not been realized, Brazil should do so at the earliest possible moment.

36. The Republic of Korea praised the establishment of the three special secretariats on human rights, women issues and racial equality in 2003. It noted that a number of international human rights organizations have repeatedly drawn attention to human rights violations of indigenous people, to the lack of public security and poor detention conditions in Brazil. Thus, the Republic of Korea expected Brazil to give a more thorough consideration to these issues.

37. The Syrian Arab Republic requested that Brazil share its expertise and best practices regarding the implementation of its national programme to fight hunger and poverty.

38. France welcomed the strengthening of legal mechanisms for human rights protection since the 1988 Constitution. It also noted the considerable progress made regarding children's rights, despite the remaining difficulties in large cities and the poorest states. However, France stressed the parliamentary proposals of constitutional amendment to lower the age of criminal responsibility. Referring to Brazil's national report, France noted the action undertaken by the Government to combat the social pressure that calls for such reform. In this regard, France wished to know where the discussions will lead to.

39. Norway acknowledged that the construction of a democratic and rights-based society is a complex process requiring both political will and time. Norway particularly mentioned as example of best practices the Government's efforts to combat child labour, the establishment of a ministry to combat racial discrimination, and Brazil's leadership on issues of sexual orientation and gender identity. Regarding freedoms of opinion and expression, while noting the protection provided by the Constitution, Norway stated that it seems that the legislative bodies have failed to safeguard them properly. Referring to the stakeholders' report, Norway further noted that lack of plurality and concentration of media ownership are reported. Norway noted that thousands of community broadcasters are waiting to be attributed a licence and journalists who cover investigations about corruption or irregular behaviour by public authorities are exposed to threats and physical aggression. On the basis of this information, Norway asked what actions the Government has taken or will take to set up a legal framework according to international standards to address the issue of concentration of media ownership, to speed up the attribution of licenses to community broadcasters, and to duly investigate cases of violence against media professionals.

40. In response to Peru's question on the right to memory, Brazil referred to the 1995 Law 1140 on the accountability for the deaths that occurred under the dictatorship. The Law established the Commission on Political Disappearances to assess cases of politically motivated deaths under the dictatorship. Since then, out of 339 cases, 321 received compensation. In 2007, a special secretariat produced a report summarizing the process and events in each of those cases, recognizing the State's responsibility for these disappearances. In 2007 the Special Secretariat on Human Rights and the Commission on Political Disappearances created a DNA bank to identify those who disappeared and were never located. The main challenges for the Commission are to locate and access the archives, since all the archives from the dictatorship period were transferred to the National Archives. The delegation of Brazil highlighted two critical challenges: (a) to find more information about the location of the bodies of those who disappeared during the military dictatorship; and (b) the opening of archives from the dictatorship to the general public. Brazil added that, in 2005, all the archives were transferred to the National Archives in order to address the second challenge.

41. Brazil concurred with Slovenia, Azerbaijan and Colombia that violence against women and children is still taking place. However, two national plans have been designed in collaboration with civil society to reduce inequality and to mainstream gender issues in public policies. It is also

modifying its legislation with regard to family violence and violence against women. Brazil noted that it is taking comprehensive actions in conjunction with state governments and municipalities to establish indicators whenever family violence occurs. This new initiative covers four areas including sexual exploitation and reproductive rights.

42. In response to Azerbaijan, the Republic of Korea and Norway regarding legal and penal affairs, Brazil agreed that it had witnessed a large increase in the prison population. However, following a new law on criminal procedure adopted in 2007 the increase of the prison population has been reduced by half. A new reform had also been approved this year to ensure guarantees for defence.

43. In response to France's question on criminal responsibility, the Brazilian Government believed that this issue will not be approved or adopted. On torture, Brazil referred to its 2006 plan to implement and integrate a programme including a large number of states. A national committee on torture has also been created with the participation of the Special Secretariat of Human Rights, the Ministry for Foreign Affairs and NGOs. Congress has also adopted the Optional Protocol to the Convention against Torture. The Brazilian delegation also referred to the challenge of establishing the national prevention mechanism in line with the Optional Protocol.

44. In response to China, Cuba and the Syrian Arab Republic, regarding the Zero Hunger programme, Brazil stressed that this was a ministry-wide policy that involved states, municipalities and civil society, and that a Special Secretariat for food has been created. Initiatives to fight hunger include the establishment of various systems and the involvement of children in a school food programme, as well as food supply programme to indigenous populations. Referring to the Single Health System, the services of the Single Health Programme have reached out to 70 per cent of the Brazilian population, and services include the distribution of 130 million vaccines, 2 million ambulatory procedures and 11.3 million hospital internments. Brazil noted, however, that the situation is critical and that this sector requires investment. Brazil acknowledged the gap between universal access to health care and the actual state of health care.

45. In response to Malaysia on the issue of HIV/AIDS, a programme with a budget of around \$US 800 million per year was created, successfully reaching 184,000 patients. The need to make the system more flexible was emphasized. In 2007, provisions of the TRIPS agreement were used to increase the supply of medicine to needy patients.

46. Brazil noted its project to establish a national system of social indicators, and also that the National Statistical and Geographic Institute is carrying out research that will enable specialists to provide indicators on social issues.

47. Australia expressed interest in learning about Brazil's views, approaches and support for national human rights institutions, enquiring if Brazil plans to establish one in accordance with the Paris Principles.

48. Algeria paid special tribute to Ambassador Florêncio for his initiative on defining a set of voluntary goals in the field of human rights. Algeria further noted that the national report shows the success of Brazil in reducing extreme poverty by half within the framework of the Millennium Objectives. Algeria also stressed that the report describes the efforts of Brazil to fulfil the right to food, particularly through the adoption of the 2006 Organic Law on Food Security. In this regard, Algeria requested information on the concrete measures adopted regarding the implementation of this law. Finally, Algeria indicated that although this issue has not been raised in the report, it still wished to pay special tribute to the pioneering role of Brazil in developing bio fuels based on

non-edible agricultural products, in particular sugar cane mulch. Algeria recommended that Brazil scale up this experience and preserve the right to food.

49. Noting the numerous reports of state police, military and civil, committing extrajudicial killings, the United States of America enquired about the steps Brazil has taken to prosecute individuals responsible for such crimes and prevent future occurrences of extrajudicial killings. It also asked about measures Brazil has taken to address allegations of torture in the juvenile and adult penal systems, and to improve prison conditions.

50. The Russian Federation welcomed Brazil's reduction of poverty and income gap, as well as the measures to prevent violations of human rights, such as in the field of public security. According to the Russian Federation, prevention of racial discrimination, prohibition of torture, public security and prevention of extrajudicial killings must continue to be priorities for the Government. It asked for more details on the practical implementation of measures to reduce urban violence and investigate cases of extrajudicial killings.

51. While acknowledging Brazil's significant progress in the area of education, food, health and combating extreme poverty, Senegal stressed the need for Brazil to continue to provide the same opportunities to its citizens of African descent as those provided to its other citizens to fully integrate them within Brazilian society. Senegal also requested detailed information about the solutions envisaged to resolve problems stemming from the lack of updated statistics in certain areas related to human rights violations.

52. Chile considered Brazil's national report an excellent model giving substance for the review. Regarding women's rights and violence against women, Chile mentioned Brazil's challenge of promoting a cultural change of the professionals that apply the 2006 *Maria da Penha* Law and asked Brazil to provide more information on this topic. Chile also noted the numerous measures adopted to fight poverty and social inequality, and indicated it would learn a lot from the implementation of the *Bolsa Familia* Programme. Chile agreed with Brazil that the right to education is a fundamental element in combating poverty, noted Brazil's high attendance rate for children between 7 and 14 years old, and enquired about the measures taken to ensure that children do not drop out of school.

53. Argentina raised questions about the implementation of Brazil's Violence against Women Plan, as well as its Family Allowance Plans, and requested further details on the legislation and the right to memory and truth.

54. The United Kingdom welcomed, inter alia, Brazil's open invitation to special procedures. While noting that human rights legislation in Brazil is in general adequate, the United Kingdom indicated that Brazil's implementation of policy and legislation at the state and municipal level is poor. It asked how Brazil evaluates the success of its policies in the absence of a systematic data collection. The United Kingdom indicated that prisons are overcrowded and inadequately maintained. It noted with concern human rights abuses associated with the criminal justice system, particularly within the juvenile justice system, as well as reported violence and extrajudicial killings committed by state military police. The United Kingdom enquired about the way Brazil proposes to address human rights abuses in cases when there may be public support for the situations that lead to abuses, such as invasions of the favelas by the police. It also indicated that there is evidence that elements within the police and prison guards continue to torture people in their custody as a form of punishment, intimidation, or to extract confessions, although few cases have been prosecuted. Regarding this issue, the United Kingdom welcomed the establishment of the National Committee for the Prevention and Control of Torture in June 2006, and was keen on discussing further the monitoring mechanisms the Committee has proposed. The United Kingdom was particularly

concerned at reports of cases in which human rights defenders have been ill-treated, harassed and in some cases murdered. Finally it noted that despite the Government's intentions, it has been difficult to make progress on key issues, including violence against women, indigenous communities, rural violence and land conflict, and child and slave labour. The United Kingdom added that there are worrying reports of impunity for those involved in human trafficking and corruption. It recommended that the Government, while continuing its positive initiatives in many of these areas, invest more rigour in evaluating the outcomes of planned activities.

55. Sri Lanka praised Brazil's initiative to launch Human Rights Voluntary Goals at the sixtieth anniversary of the Universal Declaration, and noted Brazil's significant achievements in various areas including in combating extreme poverty. Sri Lanka also requested Brazil to further elaborate and share its best practices and strategies to combat extreme poverty, as well as endemic diseases.

56. Guatemala welcomed the discussion to develop a national system of human rights indicators and asked for information about the conclusions, notably on the viability of such a system, following the first national seminar held to analyse this issue in December 2007. Guatemala was also impressed by the school attendance rate of 97.4 per cent for children between 7 and 14 years old, and identified this high rate as an example of good practice. Guatemala enquired about the measures that were taken resulting in such a success, as well as any difficulty encountered.

57. Canada requested further information concerning the steps undertaken to promote and to protect human rights defenders. Noting also the low level of participation of women, the population of Afro-Brazilian descent, and indigenous people, Canada requested information about measures taken to address these issues.

58. Germany praised the comprehensive national report of Brazil and the critical view taken on remaining problems, and focused on three areas highlighted in the report. First, noting that prison conditions are highly precarious and taking into account the efforts already made by the Government, Germany asked Brazil what further measures it envisages to accelerate the improvement of the situation. Second, Germany asked about the measures envisaged by the Government to rapidly improve the living conditions in re-educational facilities for young people. Third, it indicated that another area of concern identified in the national report is the ongoing violence of police officers. In this regard, Germany wanted to hear about what the Government intends to do in order to bring about a change in the strategy and culture of violence, and whether it intends to implement the latest recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions in order to initiate a profound reform of the penal judiciary system. Finally, Germany indicated that the law allowing for human rights violations committed at regional state level to be prosecuted by the federal justice did not produce the expected results since its entry into force in 2004. It asked what the Government planned to do to ensure that the judiciary contributes efficiently to end impunity for human rights violations. Germany recommended that action be taken to improve prison conditions and to implement recommendations made by the Committee against Torture and by the Human Rights Committee.

59. Venezuela touched upon the issue of the right to land and the priorities set by the agrarian reform regarding distribution of land, and technical and financial assistance to farmers. It requested more information about the agrarian reform and previous reforms under the plan.

60. Ecuador welcomed the initiative aimed at creating a national system of human rights indicators that could serve as a model. Ecuador requested that Brazil indicate its main challenges with regard to the President Friend of the Child and Teenager Plan and how to address the issue of street children. It also asked whether Brazil considered bilingual teaching in its education plans as a method to fight against poverty and consolidate cultural diversity.

61. Palestine praised the success of Brazil in terms of promoting education and its valuable experience in that domain, and enquired about sharing its practices with other countries.
62. Belgium commended Brazil on its stance on the abolition of death penalty, as well as on human rights, sexual orientation and sexual identity. It congratulated the Government for its results in reducing poverty, making Brazil one of the few countries to have achieved one of the Millennium Goals in advance. Belgium noted persistent difficulties and human rights violations in the field of public security as well as the efforts made by Brazil to address them. Belgium welcomed the establishment in 2004 and 2007, respectively, of a national programme and of a national plan for the protection of human rights defenders. Belgium recommended that the Government continue and intensify its efforts to reduce poverty and social inequality. It also recommended that Brazil intensify its efforts for the security of human rights defenders and in this regard to reinforce cooperation with all stakeholders, in particular, the states and the military police. Belgium asked Brazil about the perspectives for the implementation of this recommendation.
63. Indonesia congratulated Brazil on its human rights legislation and requested further clarifications on several areas where instances of abuse had been reported, namely with regard to children and women's rights, excessive use of force by the police, and cases of racial discrimination. Beginning with the rights of the child, Indonesia referred to the issue of juvenile detention and enquired about the most recent policies developed in that field. On women's rights, Indonesia mentioned cases of discrimination specifically against women of certain rural and ethnic backgrounds, leading to the forced eviction of certain ethnic and indigenous groups. Indonesia raised concern with regard to the poor conditions in prisons and detention centres where detainees were subject to torture and ill-treatment. The delegation of Indonesia questioned Brazil about the measures it has undertaken to combat police impunity in cases of gang crimes involving abusive police officers especially in favelas where police violence is widespread. Lastly, Indonesia raised concern about the existing racial disparity in Brazil and the low impact of the current policies to combat such abuses.
64. Japan welcomed Brazil's efforts to enhance regional cooperation in Latin America. It wished to have more information on how effective the Government's regional efforts have been in upgrading human rights nationally and collectively for other States of the region. Japan was also impressed by the way Brazil reflected upon its past history of the slavery system and its recognition that this system has affected social discrimination. Japan noted the exemplary steps taken by Brazil in addressing this issue. It asked whether statistical figures illustrate how much fairness has been achieved in educational institutions. Lastly Japan praised Brazil's actions to fight sexual exploitation of children and adolescents and welcomed the Third Conference on this issue to be hosted by Brazil. Japan wished to know how acutely the Government views the relation between this initiative and its efforts.
65. Mauritania requested more details on measures taken by the Government to counter slavery, especially with regard to the slavery of population of African descent.
66. Nigeria stressed that it is compelling for the vulnerable group of Africans and African descendants to be properly integrated into the society, treated with dignity and given equal opportunities in terms of education, health care, employment and participation in the political arena. Nigeria, while being encouraged by the efforts made to institute programmes to integrate the *quilombos*, indicated that a lot more needs to be done to fundamentally address these challenges. Nigeria recommended that Brazil could succeed with greater pace in land reform in the castaway areas by pursuing public policies targeted at improving the life of African descendants and minorities.

67. Mexico encouraged the establishment of a national institution compliant with the Paris Principles and requested an update on Brazil's reporting to the Committee against Torture and specifically recommended enhancing access to justice and improving the judicial system.

68. Angola raised concern about gender parity, namely the small percentage of women represented at senior levels in federal legislative and executive posts. Referring to Brazil's national report, Angola mentioned the racial stigma against populations of African descent, and enquired about the legislative policies adopted by Brazil on this regard. Angola also raised the issue of education and its instrumental impact on combating poverty and social exclusion, and asked whether technical assistance would help Brazil improve its efforts in that domain.

69. Bangladesh noted with deep admiration the success of the Government in guaranteeing economic, social, cultural, civil and political rights for all its people. Bangladesh was pleased to note the remarkable success in reducing the scale of extreme poverty and in fighting HIV/AIDS. As a developing country, Bangladesh also realized that Brazil faces many challenges. It indicated concerns expressed by other delegations about domestic violence, disparities in accessing socio-economic opportunities, particularly by indigenous communities. Bangladesh noted that it is reassuring that the Government has taken these challenges seriously. Bangladesh asked Brazil about its view on the recommendation of the Committee on the Rights of the Child to request technical assistance in the area of juvenile justice and police training as well as for the establishment of an independent and effective human rights institution.

70. Egypt enquired about how Brazil reconciled the elaboration of its disaggregated statistics and its right to privacy of individuals.

71. Morocco welcomed efforts by Brazil to eradicate poverty, to promote education and to promote the rights of women. It also stressed the active participation of Brazil in the Human Rights Council, notably with regard to the initiative on voluntary goals. Morocco requested information on what innovative complementary measures the Government contemplates to better combat poverty. It wished to know whether there are guarantees for free exercise of religion. Lastly, referring to the national report, it requested more information on the national system of human rights indicators.

72. South Africa noted the efforts undertaken by Brazil in various human rights programmes, including matters related to the elimination of racism, xenophobia and intolerance. South Africa referred to Brazil's programme adopted in 2004 to address the plight of Brazilians of Afro-descent. The delegation also mentioned Brazil's Zero Tolerance Policy as a best practice on how to address issues of malnutrition, hunger and the implementation of the right to food. South Africa concluded its statement by noting the impact of the Family Allowance programme on the fight against poverty.

73. Jordan praised the Government for the 2006 law on domestic violence and affirmative action it adopted. Jordan urged Brazil to take further steps in this regard. It also asked what practical steps it adopted to achieve reducing poverty.

74. Bolivia showed support to all the endeavors undertaken by Brazil in its promotion of human rights.

75. Uruguay welcomed Brazil's national report which demonstrates considerable progress and recognizes the indivisibility of rights as well as acknowledging continuing human rights violations. It also welcomed the agrarian reform undertaken by Brazil. Uruguay recommended greater efforts regarding prisons systems in a number of states of the federation and that they be transformed into rehabilitation centres.

76. Following the discussion, Brazil responded to Uruguay and other delegations on agrarian reform and violence in rural areas. It noted that the idea that the relationship between the production of bio fuel and the reduction in basic food production does not correspond to reality. Brazil noted that it is simultaneously increasing both the production of renewable energies and the production of food to combat hunger. It was noted that the possible rise of the price of food in the world is likely to be caused by the centralization of capital within certain powerful groups that are dominating the market. The priority in agrarian reform will be to promote sustainable production from an environmental and social point of view. Through agrarian reform, Brazil will be able to reduce the level of violence in the country.

77. In response to Morocco, South Africa and Jordan, Brazil noted that regarding education and extreme poverty, strategies are focused on setting up social programmes and improvement in agrarian reform and work on infrastructure that would lead to the creation of jobs and improve education. Brazil noted that it is centralizing efforts to reduce extreme poverty and to eliminate inequalities. Challenges regarding quality have been noted. Reference was made to the Family Allowance programme which reaches a number of children and aims to increase school attendance. It was noted that investments are being made to create new opportunities for social inclusion. Capacity-building and training of workers have been promoted and efforts have been made to improve employment rates.

78. In response to Mauritania and South Africa, Brazil noted that it has based its action for the promotion of racial equality on national statistics. Indicators demonstrate the root causes of this inequality. Regarding education, the State has prioritized the history of Africa and of the indigenous peoples with the aim of promoting the education on how Brazil was formed. As regards children of indigenous peoples, it was noted that Brazil is seeking to increase school attendance in higher education. There are currently 38 public universities in 22 states. Affirmative action in entrance is being adopted, including by providing scholarships.

79. Brazil publicly appreciated the opportunity to present the situation of human rights in the country and to engage in the rich dialogue within the UPR. The Government recognized the challenges in the promotion of rights. Due to time constraints, Brazil committed to answering the remaining questions during the plenary session of the Human Rights Council in June, in accordance with the institution-building package. Brazil reiterated its confidence in this new system and its hope that it will overcome selectivity.

80. Attention was once again drawn to President Lula's administration which focuses on economic growth, income distribution and social justice. Brazil's commitment towards the realization of all human rights was also reiterated.

81. Brazil affirmed that the UPR exercise brought valuable lessons to the country, particularly in the process of elaborating the report. Brazil recognized the challenges pointed out by civil society to implement recommendations of international monitoring bodies.

82. Brazil noted its readiness to continue cooperation with the United Nations system as it does with the Inter-American system. Its commitment to cooperate with the Human Rights Council, particularly the UPR, was also reinforced. Brazil expressed readiness to exchange experience and share information.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

83. The recommendations formulated during the interactive dialogue have been examined by Brazil and enjoy the support of Brazil:

1. Continue and intensify its efforts to reduce poverty and social inequality (Belgium);
2. Continue its commitment to resolving the issue of abuse of power and excessive use of force (Ghana);
3. While continuing its positive initiatives, invest more rigour in evaluating the outcomes of planned activities in many of these areas: prisons conditions, criminal justice system, juvenile justice system, violence and extrajudicial killings committed by state military police, torture, protection of human rights defenders, violence against women, indigenous communities, rural violence and land conflict, child and slave labour, impunity for those involved with human trafficking and corruption (United Kingdom);
4. Intensify efforts for the security of human rights defenders and reinforce cooperation with all stakeholders, in particular, the states and the military police (Belgium);
5. Give a more thorough consideration to the issues of human rights violations of indigenous people, lack of public security and poor detention conditions (Republic of Korea);
6. Take action to improve prison conditions and implement recommendations made by the Committee against Torture and by the Human Rights Committee (Germany);
7. Make greater efforts regarding prisons systems in a number of states of the federation in order to be transformed into rehabilitation centres (Uruguay).
8. Enhance access to justice as well as improve the judicial system (Mexico);
9. Implement at the earliest possible moment the initiative to bring serious human rights abuses under Federal Law if it is not done yet (The Netherlands);
10. Do its utmost to ensure that Congress adopt the law on access of citizens to public information (Peru);
11. Continue its commitment to the programme of land reform (Ghana);
12. Succeed with greater pace in land reform in the cast away areas by pursuing public policies targeted at improving the life of African descendants and minorities (Nigeria);
13. While paying special tribute to the pioneering role of Brazil in developing bio fuels based on non-edible agricultural products, scale up this experience and preserve the right to food (Algeria);

14. **Encourage the establishment of a national institution compliant with the Paris Principles (Mexico);**
15. **Integrate gender perspectives in the follow-up process to the UPR review (Slovenia).**

**84. All conclusions and/or recommendations contained in this report reflect the position of the submitting state(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

### **III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW**

85. With the intention of strengthening the efficiency of the cooperation with the United Nations system and with the view of improving its national policies, Brazil reinforced its commitment to create new tools for the internal monitoring of human rights. This would include a national system of human rights indicators and the elaboration of annual reports on the situation of human rights, taking into account, among other aspects, a follow-up of the UPR exercise.

## **Annex**

### **Composition of the delegation**

The delegation of Brazil was headed by H.E. Mr. Rogério Sottili, Head of the Delegation, Executive Secretary, Special Secretariat of the Presidency of the Republic on Human Rights, and composed of 16 members:

H.E. Mr. Sérgio Abreu e Lima Florêncio, Ambassador, Deputy Representative of Brazil to the United Nations Office at Geneva;

Minister Ana Lucy Gentil Cabral Petersen, General Director of the Department of Human Rights and Social Issues, Ministry of External Relations;

Mr. Rolf Hachbart, President of the National Institute of Colonization and Agrarian Reform;

Mr. Pedro Abramovay, Under-Secretary for Legislative Affairs of the Ministry of Justice;

Mrs. Rosilene Rocha, Executive Secretariat of the Ministry of the Social Development and Combat to Hunger;

Councillor Márcia Maria Adorno Cavalcanti Ramos, Chief of the Division of Human Rights, Ministry of External Relations;

Mrs. Ana Paula Gonçalves, Special Secretariat of the Presidency of the Republic on Women Policies;

Mrs. Márcia Canário, Special Secretariat of the Presidency on the Promotion of Racial Equality;

Secretary Luciana Rocha Mancini, Permanent Mission of Brazil to the United Nations Office at Geneva;

Secretary Silviane Tusi Brewer, Permanent Mission of Brazil to the United Nations Office at Geneva;

Secretary Murilo Vieira Komniski, Permanent Mission of Brazil to the United Nations Office at Geneva;

Secretary Thiago Melamed de Menezes, Special Secretariat of the Presidency of the Republic on Human Rights;

Secretary Melina Espeschit Maia, Division of Human Rights, Ministry of External Relations;

Mrs. Mariana Bertol Carpanezzi, Special Secretariat of the Presidency of the Republic on Human Rights;

Mrs. Clara Solon, Division of Human Rights, Ministry of External Relations.