

## UNCT Brazil

### UPR Working Group 41st session. Brazil's 4th cycle

1. **INEQUALITIES AND POVERTY REDUCTION.** The pandemic deeply impacted poverty, exacerbating inequalities and highlighting challenges ahead. COVID-related policies included an unprecedented emergency aid but plans for recovery lacks a gender and race analysis addressing aggravated inequalities. 48,5% of white women had loss in their family income, for women of African descent it was 57%.<sup>1</sup> The emergency aid was terminated in October 2021.
2. Government authorities reframed the Bolsa Familia program, as Auxílio Brasil. Experts highlight possible complications for monitoring, access and accountability in Auxílio Brasil.
3. **INCARCERATIONS.** Brazil has the 4th largest population of people deprived of liberty. More than 30% of prisoners are convicted for drug-related crimes<sup>2</sup> and 30% are pre-trial prisoners. Even though it decreased by 11% in 2020, the incarceration rate is still twice that of the world. The tendency has been an increase, resulting in overcrowding, poor health conditions and violations of human rights<sup>3</sup>.
4. It also affects women, as their occupancy rate is 172%. There are obstacles for ensuring pregnant women and mothers of up to 12-year-old children are allowed to serve in house arrest as STF has decided. There is no legal framework guaranteeing trans people's right to serve time in prisons.
5. People of African descent are disproportionately represented among people deprived of their liberty accounting for 70%<sup>4</sup>, which indicate racial profiling. Children and adolescents<sup>5</sup> deprived of their liberty are also subjected to overcrowded facilities and are exposed to continuous violations<sup>6</sup>.
6. **PREVENTION OF TORTURE AND ILL-TREATMENT.** The COVID-19 pandemic affected the justice system. Prohibitions of family visits to prisons, did not prevent massive contagion. They seriously compromised the right to due process as people deprived of their liberty had little contact with legal representatives, and hearings were postponed. Projects implemented by CSOs were also suspended, especially affecting LGBTI people who

<sup>1</sup> FBSP, 2021. Available at: <https://forumseguranca.org.br/wp-content/uploads/2021/11/infografico-violencia-desigualdade-racial-2021-v3.pdf>; <https://forumseguranca.org.br/wp-content/uploads/2021/06/infografico-visivel-e-invisivel-3ed-2021-v3-3.pdf>

<sup>2</sup> People in house arrest are not considered. Available at: <https://app.powerbi.com/view?r=eyJrIjoizTU2MzVhNWYtMzBkNi00NzJlTlIOWltZjYwY2ExZjBiMWNmliwidCI6ImViMDkwnDIwLTQ0NGMtNDNmNy05MWYyLTRiOGRhNmJmZThIMSJ9.>

<sup>3</sup> In addition to people deprived of their liberty being especially vulnerable to tuberculosis infection, reports of difficulty in accessing antiretroviral drugs are common. Available at: <https://www.scielosp.org/article/rpsp/2019.v43/e16/pt/>; <https://rsc.revistas.ufcg.edu.br/index.php/rsc/article/view/433>

<sup>4</sup> CNJ, 2020. Available at: [https://www.cnj.jus.br/wp-content/uploads/2020/09/manual-de-gest%C3%A3o-de-alternativas-penais\\_eletronico.pdf](https://www.cnj.jus.br/wp-content/uploads/2020/09/manual-de-gest%C3%A3o-de-alternativas-penais_eletronico.pdf)

<sup>5</sup> Ministério de Direitos Humanos. Secretaria Nacional dos Direitos da Criança e do Adolescente. Levantamento Anual SINASE 2016. Brasília: MDH/SNDCA, 2018. Disponível em [https://www.mdh.gov.br/todas-as-noticias/2018/marco/Levantamento\\_2016Final.pdf](https://www.mdh.gov.br/todas-as-noticias/2018/marco/Levantamento_2016Final.pdf). Acesso: 07 set. 2019. Os dados de 2015 e 2016 foram analisados

Ministério de Direitos Humanos. Secretaria Nacional dos Direitos da Criança e do Adolescente. Levantamento Anual SINASE 2016. Brasília: MDH/SNDCA, 2018. Disponível em [https://www.mdh.gov.br/todas-as-noticias/2018/marco/Levantamento\\_2016Final.pdf](https://www.mdh.gov.br/todas-as-noticias/2018/marco/Levantamento_2016Final.pdf). Acesso: 07 set. 2019. Os dados de 2015 e 2016 foram analisados

<sup>6</sup> CNMP, 2019. Available at: [https://cnmp.mp.br/portal/images/Publicacoes/documentos/2019/LIVRO\\_PROGRAMAS\\_SOCIOEDUCATIVOS\\_WEB.pdf](https://cnmp.mp.br/portal/images/Publicacoes/documentos/2019/LIVRO_PROGRAMAS_SOCIOEDUCATIVOS_WEB.pdf)

recurrently experience family abandonment<sup>7</sup>.

7. Since the implementation of Executive Decree 9831,<sup>89</sup> the NPM was put in a fragile situation, hindering its ability to fully function. The reports produced by the mechanism reinforce the conclusions of SPT and the SR on torture in their missions to Brazil, evidencing the systematic practice of torture in the Brazilian prison system.
8. As indicated by the SPT during its mission to Brazil in February 2022<sup>10</sup>, the NPM needs to be strengthened by ensuring financial, human, and technical resources to the experts, including remuneration. The National System Against Torture needs to be able to continue implementing local mechanisms in all units of the federation. Currently, only 4 states have their own mechanism.
9. The pandemic also suspended detention control hearings hindering its purpose to prevent torture and may have left cases of ill-treatment unmonitored. Implementation of hearings through videoconference<sup>11</sup> were adopted. Videoconferences cannot be regarded as adequate for identifying cases of torture or ill-treatment, and it is concerning that such temporary measures may become permanent.
10. **PUBLIC SECURITY.** Most of homicides (51.3% in 2019)<sup>12</sup> affect young people – above all young Black males from 15 to 29-years old. People of African descent are disproportionately affected by violence. Official data shows that 77% of homicides victims were Black and they are 2.6 higher more likely to being killed than non-Black individuals.<sup>13</sup> Also, 78.9% of people killed during police operations in 2021 were of African descent<sup>14</sup>.
11. Trans people are also exposed to violence as Brazil has long been topping the list of countries with most killing of transgender persons<sup>15</sup>, and most victims are women of African descent and young (13 to 35-years old).
12. Data on feminicides and violent deaths of women are also worrying - homicides inside the households increased in 10,6% between 2009 and 2019. There are systemic obstacles to the mainstreaming of normative framework on femicide in line with international standards at national level, and to the investigation and judgement of femicides with gender perspective. All scenarios above are worsened as there is a tendency to more flexible access to firearms<sup>16</sup>.
13. **JUSTICE SYSTEM.** Brazil still has meaningful obstacles for accessing justice. According to CNJ, the country has one of the most elevated rates of cases per judge resulting in slower

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<sup>7</sup> Report on the LGBT people's experience of incarceration published by the Brazilian government. Available at: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2020-2/fevereiro/TratamentopenaldepeessoasLGBT.pdf>

<sup>8</sup> For more, see: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9831.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9831.htm)

<sup>9</sup> The Supreme Federal Court, in its recent decision on ADPF 307, judgment concluded on March 25, overturned the Decree that limited the activities of the MNPCT: <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5741167>

<sup>10</sup> SPT, 2022. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28114&LangID=E>

<sup>11</sup> A bill allowing videoconference custody hearings during the COVID-19 pandemic is pending discussion in the Senate while Law 13.964/2019 prohibited this practice.

<sup>12</sup> IPEA, 2021, p.27. Available at: <https://www.ipea.gov.br/atlasviolencia/arquivos/artigos/1375-atlasdaviolencia2021completo.pdf>

<sup>13</sup> IPEA, 2021, p.49-57. Available at: <https://www.ipea.gov.br/atlasviolencia/arquivos/artigos/1375-atlasdaviolencia2021completo.pdf>

<sup>14</sup> FBSP, 2021, p. 14. For more see: <https://forumseguranca.org.br/wp-content/uploads/2021/10/anuario-15-completo-v7-251021.pdf>

<sup>15</sup> ANTRA. Report shows a steady increase as a record of 175 trans people were killed in 2020, more than 40% than the previous year. 72% of cases have indicatives of hate crime. Available at:

<https://antrabrasil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf>

<sup>16</sup> Decree nº 9.845/2019, Decree nº 9.847/2019 and Decree nº 1030/2019 illustrates this tendency.

<sup>17</sup> This indicator was created by the National Council of Justice to measure effectiveness. For more, see: <https://www.cnj.jus.br/gestao-estrategica-e-planejamento/estrategia-nacional-do-poder-judiciario-2009-2014/indicadores/03-taxa-de-congestionamento/>

process<sup>17</sup>. Only 31,5% of homicides persecutions were solved in the Judiciary. The conciliation culture has not spread, despite incentives only 12,5% of cases were resolved through conciliation.<sup>18</sup>

14. The DPU has a fundamental role in ensuring access to justice, especially to more vulnerable groups. There are deficiencies in its financial, human resources<sup>19</sup> and range: only 20% of judicial districts can provide free legal assistance<sup>20</sup>.
15. **EDUCATION.** Almost 1.1 million children and adolescents of compulsory school age were out of school in 2019. Among them, 70,8% were black boys and girls<sup>21</sup>. Girls are the most excluded in the 15 to 17 age group due to pregnancy (25%) and household chores including caregiving (14.7%), this also affects girls in the 11 to 14 age group. The pandemic has increased school exclusion, and by November 2020, more than 5 million girls and boys have no access to education - a number similar to what the country had in the early 2000s<sup>22</sup>. The lack of interest in studying, as well as work, are the main reasons that prevent 233,000 boys between 15 and 17 years old from attending school, which represents 42% of the total number of boys up to 17-years old who were not in schools<sup>23</sup>.
16. **HOUSING.** There<sup>24</sup> are 30 million homeless people in Brazil. Reports shows upward trend in housing deficit between 2016 and 2019, including precarious housing, co-habitation and elevated rent<sup>25</sup>. Women lead households were majority among housing deficits: in 2019 they represented 62% of houses with elevated rent and 56% had co-habitation.
17. In 2019, 21,6% of Brazilian population lived with at least one inadequacy representing restrictions in the right to safe and adequate housing. People in economic vulnerability are more exposed to precarious households: 43,2% inadequate housing had per capita household income of less than USD 5,50 per day<sup>26</sup>.
18. Campaign against evictions also showed alarming numbers during the pandemic. As of October 2021, over 23,5k families were evicted and the number of evictions grew 269% since the monitoring started.<sup>27</sup> Even with court order<sup>28</sup>, laws<sup>29</sup> and resolutions prohibiting evictions during the pandemic, people still had their rights to housing violated.
19. **RIGHT TO WATER AND SANITATION.** In 2017, 86,1% of households had access to water, 50,8% had sewage collection<sup>30</sup>. Data from 2019 shows an increase in sewage collection

<sup>17</sup> This indicator was created by the National Council of Justice to measure effectiveness. For more, see:

<https://www.cnj.jus.br/gestao-estrategica-e-planejamento/estrategia-nacional-do-poder-judiciario-2009-2014/indicadores/03-taxa-de-congestionamento/>

<sup>18</sup> CNJ, 2020. Available at: <https://www.cnj.jus.br/wp-content/uploads/2020/08/WEB-V3-Justi%C3%A7a-em-N%C3%BAmeros-2020-atualizado-em-25-08-2020.pdf>

<sup>19</sup> DPE-BA, 2021. Available at: [https://www.defensoria.ba.def.br/wp-content/uploads/2021/09/sanitize\\_010921-051329.pdf](https://www.defensoria.ba.def.br/wp-content/uploads/2021/09/sanitize_010921-051329.pdf)

<sup>20</sup> ANADEP, 2020. Available at: <https://www.anadep.org.br/wtksite/cms/conteudo/39420/2o-Mapa-das-Defensorias-Publicas-Estaduais-e-Distrital-no-Brasil.pdf>

<sup>21</sup> IBGE, 2020. Available at: <https://sidra.ibge.gov.br/tabela/7139>

<sup>22</sup> UNICEF. Available at: <https://www.unicef.org/brazil/comunicados-de-imprensa/nesta-volta-as-aulas-e-urgente-ir-atras-de-quem-deixou-escola-ou-nao-conseguiu-aprender-na-pandemia#:~:text=Desde%20o%20in%C3%ADcio%20da%20pandemia,no%20in%C3%ADcio%20dos%20anos%202000>

<sup>23</sup> UNICEF, 2021. Available at: <https://www.unicef.org/brazil/media/14026/file/cenario-da-exclusao-escolar-no-brasil.pdf>

<sup>24</sup> Habitat for Humanity Brasil, 2019. Available at: <https://habitatbrasil.org.br/wp-content/uploads/2020/09/Relatorio-Habitat-2019-VF.pdf>

<sup>25</sup> Fundação João Pinheiro, 2019. Available at: [http://fjp.mg.gov.br/wp-content/uploads/2021/04/21.05\\_Relatorio-Deficit-Habitacional-no-Brasil-2016-2019-v2.0.pdf](http://fjp.mg.gov.br/wp-content/uploads/2021/04/21.05_Relatorio-Deficit-Habitacional-no-Brasil-2016-2019-v2.0.pdf)

<sup>26</sup> IBGE, 2020. Available at: <https://biblioteca.ibge.gov.br/visualizacao/livros/liv101760.pdf>

<sup>27</sup> "Campanha Nacional Despejo Zero", 2021. Available at: <https://uploads.strikinglycdn.com/files/1e4b25e9-714f-404d-a445-10544f06b9e5/s%C3%ADntese%20Despejo%20Zero%20outubro%202021.pdf>

<sup>28</sup> ADPF 828. Available at: <http://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADPF828liminar.pdf>

<sup>29</sup> Law 14.216/2021. Available at: [http://www.planalto.gov.br/ccivil\\_03/ato2019-2022/2021/Lei/L14216.htm](http://www.planalto.gov.br/ccivil_03/ato2019-2022/2021/Lei/L14216.htm)

<sup>30</sup> IBGE, 2020. p.46-47 and p.57. Available at: <https://biblioteca.ibge.gov.br/visualizacao/livros/liv101734.pdf>

(68,3%) but a slight decrease in access to water (85,5%)<sup>31</sup>. Economic growth did not revert into better sanitation rates: the GDP grew largely but access to sanitation not so much. There are complaints of irregular provision of water and lack of sanitation that impacts mostly low-income households and irregular occupations.

20. Regarding the COVID-19, between 2019 and 2021, there was an increase of more than 65% in the number of 6–7-year-old who could not read or write, and for the first time in many years, there was a reduction in the number of children enrolled in schools<sup>32</sup>.
21. In November 2020, MEC issued a resolution on the right of asylum-seeker, refugee, migrant and stateless children to enroll in public schools without discrimination or restrictions, including dispensing with the need to submit proof of legal status, valid identity documents or proof of prior school enrolment documentation<sup>33</sup>. But challenges in accessing remote and digital educational activities remained as a challenge for all the above-mentioned vulnerable groups.
22. **HEALTH.** More than 660,000 people lost their lives in Brazil due to Covid-19<sup>34</sup>. 70,286 indigenous people were infected and 1,296 died<sup>35</sup>. Analysis shows that the black population is most affected both by infection and mortality<sup>36</sup>.
23. On average, people of African descent have lower life expectations and indigenous people experience deficiencies in accessing social services. Recent measures directly hindered indigenous health care, such as the weakening of the Mais Médicos program, which ensured consistent presence of health professionals in indigenous areas, and changes in the Special Secretary of Health.
24. **HIV/Aids.** Cases and deaths relating to HIV/AIDS reduced between 2017 and 2019. However, the Black population has been disproportionately affected by Sexually Transmitted Infections (STIs), especially HIV. Between 2010 and 2020 there was a 9.8% drop in the proportion of AIDS cases among white people and an increase of 12.9% among Black people.
25. In 2020, 61.9% of deaths recorded because of AIDS in Brazil were among people of African descent. The proportion of deaths is higher among Black women, reaching 62.9%. The HIV non-pharmacological supplies distribution was totally paralyzed since 2020.
26. **SEXUAL AND REPRODUCTIVE HEALTH.** Significant backlashes have been observed regarding sexual and reproductive rights. A Menstrual Health Promotion and Protection Programme was only fully established after Congress lifted vetoes issued by President Bolsonaro<sup>37</sup>. These backlashes come, for instance, in the form of disinformation campaigns<sup>38</sup> and legislative measures to make “age-appropriate” sex education<sup>39</sup>, as well as hindering of programmes and governmental bodies responsible for implementing sexual and reproductive rights policies, in special relating to abortion, Hiv/Aids and prenatal care; and even harassment, hate speech, defamation and other forms of intimidation against feminists

<sup>31</sup> IBGE, 2019. Available at: <https://cidades.ibge.gov.br/brasil/panorama>

<sup>32</sup> TODOS PELA EDUCAÇÃO, 2022. Available at: <https://todospelaeducacao.org.br/wordpress/wp-content/uploads/2022/02/digital-nota-tecnica-alfabetizacao-1.pdf>

<sup>33</sup> Res nº1/2020. Available at: <https://www.in.gov.br/en/web/dou/-/resolucao-n-1-de-13-de-novembro-de-2020-288317152>

<sup>34</sup> MS, March 2022. Available at: <https://covid.saude.gov.br/>

<sup>35</sup> APIB, 30 March 2022. Available at: [https://emergenciaindigena.apiboficial.org/dados\\_covid19/](https://emergenciaindigena.apiboficial.org/dados_covid19/)

<sup>36</sup> ABRASCO, 2021. Available at: [https://www.abrasco.org.br/site/wp-content/uploads/2021/10/E-book\\_saude\\_pop\\_negra\\_covid\\_19\\_VF.pdf](https://www.abrasco.org.br/site/wp-content/uploads/2021/10/E-book_saude_pop_negra_covid_19_VF.pdf)

<sup>37</sup> Law 14214/2021. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2021/Lei/L14214.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/Lei/L14214.htm)

<sup>38</sup> Sexual and reproductive rights were one of the main topics with fake news in the context of the 2018 elections – see: <https://slate.com/technology/2018/10/brazil-election-fake-news-whatsapp-facebook.html>

<sup>39</sup> For example, on 7 March 2019, incumbent president announced the removal the “Teenager’s Health” guidelines from the Ministry of Health online platform, for it contained information on sexual education and STDs prevention.

- and researchers<sup>40</sup>.
27. Special Procedures have demonstrated concern over policies within the Ministry of Health that restrict women's and girl's legal access to abortion<sup>41</sup>. Such measures have been followed by strong advocacy by the State to "preserve life since conception"<sup>42</sup>.
  28. **MATERNAL AND CHILD MORTALITY.** COVID-19 caused a significant increase in number of maternal deaths, leading Brazil to account for 8 of every 10 maternal deaths reported in the world in 2020. Among main factors associated with these deaths were being in the puerperium, being black, living in a peri-urban area, not having access to the Family Health Program, and living more than 100 km from the reference hospital<sup>43</sup>.
  29. 92% of maternal mortality deaths had preventable causes. Maternal mortality is higher for black women (65% of deaths in 2018). The proportion of black adolescent mothers is higher than that of white mothers<sup>44</sup>.
  30. Deprivations on health access begin at early stages, with evidence pointing to 31,5% of black women having fewer than seven prenatal visits during pregnancy, an important factor in ensuring neonatal survival and child health, compared to 18.1% of white women.
  31. **WOMEN PARTICIPATION.** Despite representing more than 51.8% of the population and more than 52% of the Brazilian electorate, women are still a minority in politics. There are more than 77 million women voters throughout Brazil, which represents 52.5% of the total 147.5 million electors. Of this number, only 9,204 (31.6%) women ran for elective office in the 2018 General Elections<sup>45</sup>. Of these, 290 were elected, an increase of 52.6% over 2014. In the 2020 elections<sup>46</sup>, 651 female mayors were elected (12.1%), compared to 4,750 mayors (87.9%). As for the municipal councils, there were 9,196 female councilors elected (16%), against 48,265 men councilors (84%). Considering the total of women elected, white women are the majority (66,5%) followed by women of African descent (32%), Asians (11%) and Indigenous (0,15%)<sup>47</sup>. Trans people elected grew by 225% with 27 trans women elected<sup>48</sup>.
  32. Political violence is unfortunately at the center of women's participation. Often as defamation and threats<sup>49</sup>, women of African descent and trans women were the main victims such attacks<sup>50</sup>.

<sup>40</sup> See the public statement by the Brazilian Ecumenic Forum - <https://koinonia.org.br/noticias/forum-ecumenico-act-brasil-se-posiciona-sobre-jovem-evangelica-que-deixa-o-pais-apos-serie-de-ameacas/6669> and <https://www.theguardian.com/global-development/2018/aug/02/professor-forced-into-hiding-by-death-threats-over-brazil-abortion-hearing>

<sup>41</sup> OL BRA 9/2020 - <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25560>

<sup>42</sup> The bill nr. 478/2007 known as "Estatuto do Nascituro" continues to be drafted at the House of Representatives and since November 2019 is at the Women's Rights Commission waiting to be reviewed. See: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=345103>

<sup>43</sup> For more, see : <https://mulherescientistas.org/wp-content/uploads/2021/05/Nota-Tecnica-n.1-Gravidas-e-Puerperas.pdf>

<sup>44</sup> For more, see : <https://www.scielo.br/j/csp/a/LybHbcHxdFbYsb6BDSQHb7H/?lang=pt>

<sup>45</sup> TSE, available at: <https://www.tse.jus.br/imprensa/noticias-tse/2019/Marco/numero-de-mulheres-eleitas-em-2018-cresce-52-6-em-relacao-a-2014>

<sup>46</sup> TSE, available at: <https://www.tse.jus.br/imprensa/noticias-tse/2020/Novembro/mulheres-representam-apenas-12-dos-prefeitos-eleitos-no-1o-turno-das-eleicoes-2020>

<sup>47</sup> Instituto de Estudos Socioeconômicos (Inesc). Eleições 2020: perfil das candidaturas eleitas em 1º turno. Disponível em: <https://www.inesc.org.br/eleicoes-2020-perfil-das-candidaturas-eleitas-em-1o-turno/>

<sup>48</sup> ANTRA, 2020. Available at: <https://antrabrasil.org/eleicoes2020/>.

<sup>49</sup> However, physical violence and sexual harassment are also part of political violence faced by women.

<sup>50</sup> According to a report from the Instituto Marielle Franco, 42% of all Black women who were candidates in 2020 suffered violence, among institutional violence, offenses and defamations, sexual harassment and discrimination, including racism, sexism and LGBTIphobia. Even with an increase of 275% of trans people elected (from 8 to 30 people) in 2020 elections, 30% of them reported political violence during or after the elections.

<sup>51</sup> PNUD, 2019. Available at: [https://www.br.undp.org/content/brazil/pt/home/library/projeto-atenea\\_-brasil--onde-esta-o-compromisso-com-as-mulheres.html](https://www.br.undp.org/content/brazil/pt/home/library/projeto-atenea_-brasil--onde-esta-o-compromisso-com-as-mulheres.html)

33. 2019 research<sup>51</sup> points that Judiciary Branch has a wider gap in gender equality, with only 38,8% of female judges and no policy nor body to address women's participation and representation. Diminished women participation in high ranks repeats itself in the Executive Branch and the private sector.
34. **VIOLENCE AGAINST WOMEN.** In 2021, there was a massive reduction in the budget of the MMFDH, accompanied by a reduction of 51,8% in policies for women<sup>53</sup> and stigmatizing discourse against gender issues by authorities. It affected implementation of policies to end VAW and ensure sexual and reproductive rights.
35. In 2021, an estimate of 17 million women informed they had faced some form of physical, psychological or sexual violence in the previous 12 months<sup>54</sup>. Official data shows reduction of 7.4% on domestic violence, 11.8% on threats, and 14.1% on rape in 2020 in comparison to 2019. However, it is doubtful whether this represents an actual decrease in VAW, given the reported increases in helpline calls<sup>55</sup>.
36. The production of data and national statistics on violence against women and girls is still a challenge, fueled by misconceptions of the legislation on femicide and domestic violence, as well as by the absence of a comprehensive legal framework on gender-based violence, leading to underreporting and lack of adequate protection against violence.
37. Race is an important factor – 61.8% of femicide victims registered in 2020 were Afro-descendant.<sup>56</sup> Policies lacks a race and ethnicity approach, and the mortality gap between white and Black women due to homicides continues to grow<sup>57</sup>.
38. **RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION.** Anti-terrorism law<sup>58</sup> is under debate in Brazil. It receives critics from several actors, especially those worried with criminalization of social movements. The discussion resurfaced as bills to widen the range of the law appeared. Bill No. 1595 of 2019 is among the main worries<sup>59</sup>, as it regulates “counterterrorist actions” with vague definitions; propositions of integrated actions between police, the military and intelligence units; reduced accountability and explicitly assimilating activities of social movements as terrorism<sup>60</sup>. The decline in social participation and public policy councils has reduced civic space in the country.
39. **PEOPLE OF AFRICAN DESCENT AND RACISM.** People of African descent are the main victims of homicides, feminicides and police violence. Human rights defenders and lawyers highlight the racial bias in facial recognition processes in Brazil, resulting in unlawful arrests of innocent people and denouncing racial profiling in law enforcement and justice system.

<sup>51</sup> PNUD, 2019. Available at: [https://www.br.undp.org/content/brazil/pt/home/library/projeto-atenea\\_-brasil--onde-esta-o-compromisso-com-as-mulheres.html](https://www.br.undp.org/content/brazil/pt/home/library/projeto-atenea_-brasil--onde-esta-o-compromisso-com-as-mulheres.html)

<sup>52</sup> ATENEA evaluates special measures implemented by the Legislative as fragile and with low impact lacking institutional mechanisms to ensure its effectiveness.

<sup>53</sup> INESC, 2021, p.37. Available at: [https://www.inesc.org.br/wp-content/uploads/2021/07/BGU-10-Semestre-2021\\_Versao-Final-1.pdf](https://www.inesc.org.br/wp-content/uploads/2021/07/BGU-10-Semestre-2021_Versao-Final-1.pdf)

<sup>54</sup> Datafolha and FBSP, 2021, p.21. Available at: <https://forumseguranca.org.br/wp-content/uploads/2021/06/relatorio-visual-e-invisivel-3ed-2021-v3.pdf>

<sup>55</sup> FBSP, 2021, p.89-117. Available at: <https://forumseguranca.org.br/wp-content/uploads/2021/10/anuario-15-completo-v7-251021.pdf>

<sup>56</sup> FBSP, 2021, p.98. Available at: <https://forumseguranca.org.br/wp-content/uploads/2021/10/anuario-15-completo-v7-251021.pdf>

<sup>57</sup> IPEA and FBSP, 2021, p. 38-40. Available at: <https://www.ipea.gov.br/atlasviolencia/arquivos/artigos/1375-atlasdaviolencia2021completo.pdf>

<sup>58</sup> Law 13260/2016. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2016/lei/l13260.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13260.htm)

<sup>59</sup> UN Brazil, 2021. Available at: <https://brasil.un.org/pt-br/141955-projeto-de-lei-antiterrorismo-no-brasil-gera-preocupacao-em-escritorio-de-direitos-humanos>

<sup>60</sup> The use of force in peaceful assemblies is also a concern: Indigenous people and people of African descent reported threats and disproportional use of force while they were demonstrating against human rights violations.

Violence and discrimination against religions of African origin is still a concern<sup>61</sup> as it is for indigenous communities.

40. Inequalities also impact access to jobs and income<sup>62</sup>. People of African descent, especially women, often receive less for the same job and are minority in decision making positions.
41. No comprehensive or meaningful reform or policy to combat racism and aggravated discrimination was made since 2017<sup>63</sup>. December 2020, the House of Representatives established a Commission of Legal Experts that examined all Brazilian legislation against racism<sup>64</sup>. No action has been taken since the Commission delivered its final report.
42. **QUILOMBOLA COMMUNITIES.** CONAQ has reported over the years several violations of quilombola's human rights. The violence in territories of traditional communities affects mostly women and girls, in terms of economic opportunities and livelihoods, as well as gender-based violence.<sup>65</sup>
43. Preliminary information from IBGE<sup>66</sup>, states that Brazil has 5,972 quilombola<sup>67</sup> communities, however only 2,792 are certified by Fundação Palmares<sup>68</sup>. This jeopardizes the right to land, access to health care, food security, income and other deficiencies highlighted by the pandemic. Only 52% of quilombolas received the first dose of COVID-19 vaccine<sup>69</sup>.
44. **CHILDREN AND ADOLESCENTS.** In terms of age, children and adolescents aged 0 to 14 years represent the population proportionally most affected by poverty and extreme poverty: in 2019, 41.7% were living in poverty; 11.3% of them in extreme poverty. In 2018 more than half (57.8%) of children and adolescents lived in multidimensional poverty, facing at least one dimension of deprivation<sup>70</sup>.
45. Between 2016 and 2020, 35,000 children and adolescents aged 0 to 19 were violently killed in Brazil. In addition, from 2017 to 2020, 180,000 suffered sexual violence. Children often die because of domestic violence perpetrated by a known individual. The same goes for sexual violence. Adolescents die mostly outside households, victims of urban armed violence and racism.<sup>71</sup>
46. **PEOPLE WITH DISABILITIES.** 2010 Census reports 24% of the Brazilian population has some type of disability, and of them only 1% is employed. Political participation is also worried.

<sup>61</sup> The National Plan for traditional communities of African descent was not presented and is in its concluding phase since 2018. Women human rights defenders from religions of African origin report attacks on their places of worship, also Indigenous prayer houses have been set on fire.

<sup>62</sup> Even though there is no specific redistribution policy for people of African descent, they have been majorly benefited from aid based on the Cadastro Único.

<sup>63</sup> Women, children, LGBTI+ people of African descent, Indigenous or from traditional communities did not have their needs or demands met by the State. The Palmares Foundation and FUNAI had its resources reduced.

<sup>64</sup> A final report was presented in November 2021, but no further action was taken. Isolated advances happened such as the enactment of the InterAmerican Convention against Racism.

<sup>65</sup> UN Agencies have been vocal in condemning the attacks against the association of the Munduruku Indigenous women and the killings of a quilombola family, in Pará. The Special Rapporteur on Human Rights Defenders issued a communication on a case of quilombola leaders under threat in Maranhão (AL BRA 13/2021). UN Agencies are also concerned about the non-observation of IACHR Cautionary Measures (Resolution 44/2020) on the case of Rio dos Macacos<sup>65</sup>, a quilombola community whose right to self-determination, has been impacted by a protracted territorial dispute with the Brazilian Navy.

<sup>66</sup> The Demographic Census of 2020, confirmed for 2022, would be the first one to collect disaggregated information on quilombola communities in Brazil.

<sup>67</sup> IBGE, 2019. Available at: <https://educa.ibge.gov.br/jovens/materias-especiais/21311-quilombolas-no-brasil.html#:~:text=Das%205.972%20localidades%2C%20404%20s%C3%A3o%20territ%C3%B3rios%20oficialmente%20reco%20nhecidos%2C,oficialmente%20delimitados%20e%201.599%20est%C3%A3o%20fora%20dessas%20terras.>

<sup>68</sup> Available at: [http://www.palmares.gov.br/?page\\_id=37551](http://www.palmares.gov.br/?page_id=37551)

<sup>69</sup> MS, March 2022. Available at: [https://infoms.saude.gov.br/extensions/DEMAS\\_C19Vacinas\\_Quilombola/DEMAS\\_C19Vacinas\\_Quilombola.html](https://infoms.saude.gov.br/extensions/DEMAS_C19Vacinas_Quilombola/DEMAS_C19Vacinas_Quilombola.html)

<sup>70</sup> UNDP; UNESCO; UNICEF and OPAS, 2021. Available at: <https://www.unicef.org/brazil/media/16086/file>

<sup>71</sup> UNICEF, FBSP, 2021. Available at: <https://www.unicef.org/brazil/relatorios/panorama-da-violencia-letal-e-sexual-contracrianças-e-adolescentes-no-brasil>

According to the LBI<sup>72</sup>, evaluation of a disability, should be biopsychosocial – but it is still pending approval and implementation.

47. **LGBTI PEOPLE.** STF issued a ruling<sup>73</sup>, in 2019, framing the crime of LGBTIphobia as a crime of racism. Official data on violence is fragile with no database or guidance on how to register violations motivated by LGBTIphobia<sup>74</sup>. NGO are the ones engaged in collecting and disseminating most information on LGBTIphobia<sup>75</sup> and discrimination.
48. **REFUGEES AND MIGRANTS.** There are approximately 1,3 million refugees and international migrants in Brazil, with nationals from Latin America, Caribbean, and African countries making up the majority of new entries between 2011-2020.<sup>76</sup> Since 2017, there has been a significant influx of Venezuelans resulting in more than 327,000 as of the end of 2021 - 49,045 are recognized refugees<sup>77</sup> representing the highest number of recognized Venezuelan refugees by any Latin America government.<sup>78</sup> Including Venezuelan nationals, the Government of Brazil has recognized a total of 62,000 refugees of 109 nationalities<sup>79</sup>, responding the influx with a humanitarian<sup>80</sup>, in partnership with UN and civil society, with the provision of protection, emergency assistance, and durable solutions.
49. Brazil still faces challenges to ensure adequate access to employment, social protection, public education and health, as well as xenophobia, discrimination, exploitation, and violence<sup>81</sup>. Indigenous<sup>82</sup> face intersectional challenges, requiring culturally differentiated public policies and durable solutions in both urban and rural areas, including opportunities for self-reliance.

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<sup>72</sup> Law nr. 13146/2015. Available at: [https://www.planalto.gov.br/ccivil\\_03/ato2015-2018/2015/lei/13146.htm](https://www.planalto.gov.br/ccivil_03/ato2015-2018/2015/lei/13146.htm)

<sup>73</sup> Law 7716/89

<sup>74</sup> Police departments do not provide orientation on filling information of sexual orientation, gender identity and preferred name in occurrence reports.

<sup>75</sup> Grupo Gay da Bahia and ANTRA collect this information. For more see:

<https://observatoriomortesviolentaslgbtibrasil.org/apresenta%C3%A7%C3%A3o-1>; <https://antrabrazil.org/cartilhas/>;  
<https://antrabrazil.org/category/violencia/>

<sup>76</sup> OBMigra, MJ, 2021. Available at:

[https://portaldeimigracao.mj.gov.br/images/Obmigra\\_2020/Relat%C3%B3rio\\_Anuar/Relato%CC%81rio\\_Anuar\\_-\\_Completo.pdf](https://portaldeimigracao.mj.gov.br/images/Obmigra_2020/Relat%C3%B3rio_Anuar/Relato%CC%81rio_Anuar_-_Completo.pdf)

<sup>77</sup> In June 2019, CONARE issued a decision applying the extended refugee definition to Venezuelan nationals and those affected by the humanitarian crisis in Venezuela based on an assessment of Venezuela's objective country circumstances which Brazil characterized earlier that year as one of "serious and generalized violations of human rights". To this end, Brazil adopted prima facie simplified asylum procedures and began issuing refugee recognitions under this approach in December 2019. In August 2021, CONARE extended the prima facie recognition of Venezuelans until December 2022, to be reassessed then.

<sup>78</sup> For more, see: <https://www.r4v.info/es/node/247>

<sup>79</sup> For more, see:

<https://app.powerbi.com/view?r=eyJrjoiNTQ4MTU0NGItYzNkMi00M2MwLWFhZWZWMtMDBiM211NWVjMTY5liwidCI6ImU1YzM3OTgxLTY2NjQ0tNDEzNC04YTBlLTY1NDNkMmFmODBiZSIsImMiOiJh9.>

<sup>80</sup> For more, see: <https://www.gov.br/casacivil/pt-br/acolhida>

<sup>81</sup> For more see: UNFPA, 2021. Available at: <https://brazil.unfpa.org/pt-br/publications/pesquisa-violencia-de-genero-nacionalidade-e-racaetnia-em-duas-cidades-de-roraima>, and WB, 2021. Available at:

<https://openknowledge.worldbank.org/bitstream/handle/10986/35358/Integration-of-Venezuelan-Refugees-and-Migrants-in-Brazil.pdf?sequence=1&isAllowed=y>

<https://openknowledge.worldbank.org/bitstream/handle/10986/35358/Integration-of-Venezuelan-Refugees-and-Migrants-in-Brazil.pdf?sequence=1&isAllowed=y>

<sup>82</sup> There are over 6,000 indigenous Venezuelans in Brazil of which 70% are Warao, 24% Pemón, 3% Eñepá, 1% Kariña e 1% Wayúu. Available at: [https://www.acnur.org/portugues/wp-content/uploads/2021/11/211122\\_ACNUR\\_Informativo\\_Indigena\\_Jul\\_Out\\_21-EN.pdf](https://www.acnur.org/portugues/wp-content/uploads/2021/11/211122_ACNUR_Informativo_Indigena_Jul_Out_21-EN.pdf)



50. During the COVID-19 pandemic, temporary restrictions on the entry of foreigners by land were adopted, with no exceptions<sup>83</sup>. Individuals who entered the territory irregularly were disqualified from applying for asylum per the inter-ministerial ordinances published at the time.
51. Brazil has taken steps to further implement its new Migration Law<sup>84</sup>. New visa and residence permits based on humanitarian needs were created<sup>85</sup>, a unified procedure for identification and protection of unaccompanied and separated children was established<sup>86</sup>, and local migration policies and plans have started to be discussed and developed<sup>87</sup>. The development of a “national policy on migration, asylum, and statelessness”, as required by the Migration Law, is important for governance and coordination. But recent changes may be setbacks, as new rules for deportation and repatriation of “dangerous” foreigners<sup>88</sup>.
52. **INDIGENOUS PEOPLE.** The demarcation and registration of indigenous lands has stopped. The case of “Marco Temporal” before the STF, still pending of judgement, would limit indigenous land demarcation to those territories occupied by indigenous communities in 1988.
53. There are legislative initiatives<sup>89</sup> that aim to further weaken the normative frameworks on the right to land and to allow economic and mining exploitation on indigenous lands, which would put the indigenous communities at great risk. Illegal mining also affects indigenous people rights contaminating the soil and undermining health. Between 2018 and 2020, reports indicate a 30% increase of illegal mining in Yanomami indigenous lands<sup>90</sup>.
54. NGOs also indicate an escalation in religious intolerance against indigenous peoples, as observed in attacks and threats perpetrated against Kaiowá and Guarani religious leaders, especially against women<sup>91</sup>.
55. **HUMAN RIGHTS DEFENDERS (HRD).** Between 2015 and 2019, Brazil was the second most dangerous country for HRD accounting for 174 homicides<sup>92</sup>. Journalist and other communicators have also been more exposed to attacks. According to UNESCO Observatory of Killed Journalists<sup>93</sup>, in the last five years 9 deaths were registered in Brazil, with an

<sup>83</sup> Ordinance No. 47, of 26 March 2020, available at: <https://www.in.gov.br/en/web/dou/-/portaria-n-47-de-26-de-marco-de-2020-249861855>. Later on, Ordinances 655 and Ordinance 663 removed restrictions on entry by land of Venezuelans and other foreign nationals, respectively, permitting entry of all in need of international protection, subject to proof of COVID-19 vaccination, exempting from this requirement those affected by the humanitarian crisis in Venezuela (among other categories).

<sup>84</sup> For more see: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/lei/l13445.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/l13445.htm) and [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2017/decreto/d9199.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/decreto/d9199.htm)

<sup>85</sup> For example, the Ministry of Justice and Public Security and the Ministry of Foreign Affairs have jointly established special visa and/or residence permits for Venezuelan nationals (Ordinance 9, of 14 March 2018), Haitian nationals (Ordinance 10, of 6 April 2018, and others), Syrian nationals (Ordinance 9, of 8 October 2019), Afghan nationals (Ordinance 24, of 3 September 2021), and, more recently, Ukrainian nationals (Ordinance 28, of 3 March 2022).

<sup>86</sup> Joint Resolution 1, of 9 August 2017. Available at: <https://www.gov.br/mj/pt-br/assuntos/seus-direitos/refugio/anexos/resolucao-conjunta-n-1-do-conare-1.pdf>

<sup>87</sup> For instance, the City of São Paulo, following the enactment of the Municipal Policy for the Immigrant Population in 2016, created its Municipal Council for Immigrants in 2017 and published its first Municipal Policy Plan for Immigrants in 2020.

<sup>88</sup> Joint Ordinance Nr 666/2022. Available at: <https://www.in.gov.br/en/web/dou/-/portaria-interministerial-n-666-de-20-de-janeiro-de-2022-375486913>

<sup>89</sup> PL 191 and PL 490

<sup>90</sup> HUTUKARA, 2021. Available at: <https://acervo.socioambiental.org/sites/default/files/documents/prov0202.pdf>

<sup>91</sup> OKA, 2022. Available at: [https://apiboficial.org/files/2022/03/Relato%CC%81rio\\_Intolera%CC%82ncia-religiosa-racismo-religioso-e-casa-de-rezas-queimadas-em-comunidades-Kaiowa%CC%81-e-Guarani.pdf](https://apiboficial.org/files/2022/03/Relato%CC%81rio_Intolera%CC%82ncia-religiosa-racismo-religioso-e-casa-de-rezas-queimadas-em-comunidades-Kaiowa%CC%81-e-Guarani.pdf)

<sup>92</sup> A/HRC/46/35. For more see: <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/CFI-killings-human-rights-defenders.aspx>

<sup>93</sup> UNESCO. Available at: <https://en.unesco.org/themes/safety-journalists/observatory>

- important observance of gender-based violence<sup>94</sup>.
56. Many CSOs denounce poor access to justice, lack of accountability and generalized unsafety for HRD. Death threats and intimidations endanger entire communities that denounce human rights violations. HRD often report that people killed usually had been receiving threats, highlighting authorities' inability to provide adequate protection and investigation.
  57. The National Protection Program for Human Rights Defenders faces problems in its implementation and presents discontinuities at the local level<sup>95</sup>. There are challenges on transparency and on making risk assessment and protection measures sensitive to race, gender and ethnicity.
  58. **ENVIRONMENT.** Brazil is 67% formed by forests and native vegetation, but only<sup>96</sup> 24,2% of its territory are protection areas<sup>97</sup>. The goal of the National Policy for Climate Change for 2020 puts at risk Brazil's commitments for the Paris Agreement, also jeopardizing compliance with SDG 15. Deforestation trends impact the rights of traditional peoples and increase the violence against environmental defenders that protects ecosystems in light of the dismantling of environmental protection policies.
  59. **BUSINESS AND HUMAN RIGHTS.** In 2018, the National Guidelines on Business and Human Rights was established<sup>98</sup>. Despite being a significant development, compliance is not mandatory, thus indicating that respecting human rights remains voluntary. The UN has systematically highlighted how women, Indigenous people, children, migrant workers, human rights defenders, and other vulnerable groups experience the adverse impacts of business operations differently and disproportionately. More recently, the Brazilian Government has committed to developing a NAP - this can be a first step towards raising awareness and addressing challenges faced by vulnerable groups in the context of business operations, enabling coordinated approaches across the different departments.
  60. **DAM DISASTERS.** After six years of the collapse of the Fundão dam, in Mariana, none of those responsible were criminally punished. Affected people still have not received final remediation for the human rights abuses and violations they have suffered. Most defendants accused were excluded and other had lesser charges.
  61. **FORCED LABOUR AND TRAFFICKING IN PERSONS.** Official data<sup>99</sup> highlights socioeconomic vulnerabilities as risk factors for human trafficking and exploitation. This tends to affect more some groups as data indicates in 2021, 90% of victims rescued were men, 80% were Black, and 47% were born in North-Eastern states of Brazil. Most of them were internal and international migrants, with lower educational attainment and poor socioeconomic conditions<sup>100</sup>. Most cases of forced labour occurred in rural areas (78%). In sexual exploitation cases, the vast majority of victims were women and children<sup>101</sup>. Between 2017 and 2021, 5,693 were rescued from forced labor<sup>102</sup>.

<sup>94</sup> ABRAJI; UNESCO, 2021. Available at: <https://violenciagenerojornalismo.org.br/>

<sup>95</sup> Organizations that support HRD report that this policy has deficiencies and gaps as it is not fully implemented, and the budget is not sufficient.

<sup>96</sup> Observatory of Clime, 2019

<sup>97</sup> Embrapa, 2018.

<sup>98</sup> Decree 9,571

<sup>99</sup> UNODC, 2021. Available at: [https://www.unodc.org/documents/lpo-brazil/Topics\\_TIP/Publicacoes/relatorio-de-dados-2017-2020.pdf](https://www.unodc.org/documents/lpo-brazil/Topics_TIP/Publicacoes/relatorio-de-dados-2017-2020.pdf)

<sup>100</sup> MTE, 2021. For more see: <https://www.gov.br/trabalho-e-previdencia/pt-br/noticias-e-conteudo/trabalho/2022/janeiro/fiscalizacao-do-trabalho-divulga-resultados-das-acoess>

<sup>101</sup> UNODC, 2021; and Reporter Brasil, 2020, p.6-10. Available at: <https://escravonempensar.org.br/wp-content/uploads/2020/10/Fasciculo-Trabalho-escravo-e-genero.pdf>. This study was supported by ILO

<sup>102</sup> SIT, January 2022. For more, see: <https://sit.trabalho.gov.br/radar/>

<sup>103</sup> Decree No. 9440/2018. Available at: <https://www2.camara.leg.br/legin/fed/decret/2018/decreto-9440-3-julho-2018-786934-publicacaooriginal-155960-pe.html>

62. In 2018, Brazil adopted the Third National Plan to Combat Human Trafficking<sup>103</sup>, which is in line with its existing anti-trafficking law and national policy<sup>104</sup>. In 2020, Ordinance No. 87 was enacted to ensure migrants who are victims of trafficking, forced labour, sexual exploitation, and related crimes have facilitated access to residence permits. Anti-trafficking legislation still lacks provisions that criminalize child sex trafficking without elements of force, fraud, or coercion. There are still gaps in terms of effective implementation - improved infrastructure and training for law enforcement officials across the territory, increased intersectoral coordination among stakeholders and strengthened victims' assistance services, specially focused on more vulnerable groups. Brazil still does not have a national unified database to register and monitor cases of trafficking in persons.
63. **NATIONAL HUMAN RIGHTS INSTITUTION (NHRI).** Brazil still does not have a NHRI. Most recommendations explicitly refer to CNDH<sup>105</sup>, however its autonomy and independence is critical to uncertainty regarding its potential as a NHRI. Current administration of MMFDH understands that it may intervene in CNDH's personnel. Though CNDH's political independence seems preserved, its administrative autonomy is jeopardized.
64. **INTERNATIONAL INSTRUMENTS.** No progress has been made in completely adhering to ICESCR Optional Protocol, International Covenant on Migrant Workers and their Families, 86 ILO Convention and Protocol to the 29 ILO Convention<sup>106</sup>. The Escazú Treaty has also not been ratified by the country. Progress was made regarding Optional Protocol for children's rights, the ILO 189 Convention and the Arms Trade Treaty. But all of them lack action from the Executive to be considered fully incorporated into Brazilian Law. Regarding the 169 ILO Convention, in April 2021, a bill<sup>107</sup> authorizing the President to denounce the convention was presented.
65. **INTERNATIONAL CRIMINAL COURT (ICC) AND WAR CRIMES.** None of the recommendations related to the ICC and War Crimes were implemented. The Kampala Amendments is still under analysis from the current administration and The Convention of Non-Application of Stationary Limitations to War Crimes and Crimes against humanity was not signed.

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<sup>103</sup> Decree No. 9440/2018. Available at: <https://www2.camara.leg.br/legin/fed/decret/2018/decreto-9440-3-julho-2018-786934-publicacaooriginal-155960-pe.html>

<sup>104</sup> For more see: [http://www.planalto.gov.br/ccivil\\_03/ato2015-2018/2016/lei/l13344.htm](http://www.planalto.gov.br/ccivil_03/ato2015-2018/2016/lei/l13344.htm) and [http://www.planalto.gov.br/ccivil\\_03/ato2004-2006/2006/decreto/d5948.htm](http://www.planalto.gov.br/ccivil_03/ato2004-2006/2006/decreto/d5948.htm)

<sup>105</sup> Note that other Brazilian institutions that have NHRI's characteristics should also be considered.

<sup>106</sup> Both protocols are still under analysis, according to the Ministry of Foreign Affairs.

<sup>107</sup> PDL 177/2021. Available at: [https://www.camara.leg.br/proposicoesWeb/prop\\_mostrarintegra?codteor=1999797](https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1999797)