

HUMAN RIGHTS COUNCIL

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Stakeholder's Submission on:

The Human Rights Situation in BRAZIL

Submitted by:

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(NGO in Special Consultative Status with the ECOSOC)

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Main activities of the organization: The Anglican Consultative Council facilitates the co-operative work of the churches of the Anglican Communion, and helps to co-ordinate common action. These churches - forty-one provinces across 165 countries representing 85 million members - are engaged in development, humanitarian, advocacy and peace and reconciliation activities.

The Anglican Episcopal Church of Brazil, one of the member churches of the Anglican Communion, has produced this written submission, with technical assistance from staff of the Anglican Consultative Council.

Introduction

1. In accordance with the letter from the High Commissioner for Human Rights, addressed, in October 2017, to the Minister of Foreign Affairs of Brazil, the Brazilian State will participate in the Universal Periodic Review – UPR before the UN Human Rights Council in 2022.
2. The Anglican Episcopal Church of Brazil, aware of its mission to proclaim hope for all people, as well as committed to the promotion of human life in conditions of equity, freedom and security for each and all individuals, respectfully stands before the UN Human Rights Council, to highlight the performance of the Brazilian government in the following areas:

Rights of specific people or groups

Women

3. After experiencing advances such as the right to legal abortion in case of rape, risk of death and in cases of fetal anencephaly; entering into force of the “next minute” bill; the National Policy for Integral Attention to Women's Health and humanization in childbirth, in addition to strengthening the network to prevent and combat domestic violence against women, with extensive discussion and application of the “Maria da Penha” bill, since 2018, with the rise of an extreme right-wing government in Brazil, women's rights, especially sexual and reproductive rights, have been severely attacked.
4. We emphasize that the constant attacks on women's rights have their origin in a neoconservative alliance to which religious and political fundamentalisms converge to contemplate the interests of certain religious groups that, oblivious to the social chaos in which the country is plunged, take the moral agenda as a crusade against “evil”, which once again affects women's bodies and lives.

5. In this area, we emphasize our concern with the disrespect for the concept of the Secular State. We highlight the conduct that Minister Damares Alves towards the Ministry of Family, Women and Human Rights whom, in her actions and official pronouncements, shows a clear conservative ideological tendency and contrary to the integral protection of the person. Minister Damares Alves is an evangelical pastor, and has been assuming a neoconservative agenda that threatens and makes it impossible for women to access rights already conquered, blurring the borders that separate Christian Church and the State in Brazilian democracy. The Ministry of Family, Women and Human Rights, between 2018 and 2021, had invested only one third of the amount dedicated to this set of public policies. This financial setback has prevented thousands of women victims of domestic violence from being welcomed into the “Casa da Mulher Brasileira” which has been scrapped and faces lack of resources. With President Jair Bolsonaro and Minister Damares Alves, Brazil has experienced a real dismantling of public facilities in the legal abortion network (from 76 hospitals in 2019 to 42 in 2020).
6. In addition, they took advantage of the pandemic to expand the setbacks in rights. According to Marina Ruzzi , (insurgencies.org) in June 2020, the Ministry of Health issued a technical note (Nº16/2020-COSMU/CGCIVI/DAPES/SAPS/MS) highlighting the difficulties that women and girls may encounter in accessing sexual and reproductive health services during the pandemic and proposing measures to overcome these obstacles. Two days later, President Bolsonaro distorted the content of the document in a tweet, saying that the government was seeking to identify its authors and that it did not support "any proposal aimed at legalizing abortion". The Ministry of Health then dismissed two of the three technicians who signed the note.
7. During the COVID19 pandemic, the rates of violence committed against women and girls increased significantly, consequently, the number of rapes and femicides also increased. In this context, the Ministry of Health published Ordinance 2282/2020 which “Provides for the Procedure for Justification and Authorization of Interruption of Pregnancy in the cases provided for by law, within the scope of the Unified Health System-SUS”.

This means making it difficult for women to access legal abortion through the unified health system.

8. Before its unconstitutionality was ruled by the Federal Supreme Court, the Ministry of Health revoked Ordinance 2282/2020 and replaced it with Ordinance 2.561/2020, which mitigates some of the most controversial points, but maintains the essence of the original proposal: to embarrass professionals in healthcare services to take police attitudes in dealing with women who seek the use of legal abortion in the health system.
9. The sexual and reproductive rights of Brazilian women have been attacked in a systemic and institutionalized way. On March 8, 2021 , President Jair Bolsonaro promoted yet another attack on Brazilian women by failing to sign the declaration of the United Nations Human Rights Council (UN), a commitment to carry out actions for women's health in the fight against Covid-19 to reduce “historical inequalities”.
10. We emphasize that violence directed at women's bodies manifests itself in several and different ways. Affecting, mainly, impoverished, black, peripheral, indigenous women and women from traditional populations and communities who struggle hard to keep the little they have and support their daughters and sons.
11. In this area, the Brazilian State is required to take the following actions:
 - a. The immediate adoption of public policies to promote gender equity;
 - b. The resumption of processes to protect the rights of girls and women against gender-based violence;
 - c. The effective application of public resources destined to public policies for women.

Minorities and Indigenous Peoples

12. The Brazilian State, under the leadership of President Jair Bolsonaro, has been systematically denying the rights of indigenous peoples and traditional communities, reflecting a biased conduct contrary to the

promotion and protection of the human person.

13. Talking about the rights of indigenous peoples and traditional communities is an act that disturbs the spirit of these same peoples. It could not be just any concern, but a concern about the insecurity of human rights that involve corruption, illegal sale of indigenous land to agribusiness, non-demarcation of indigenous lands, and, in a special way, the lands that are retaken and those that have been waiting for years to be demarcated. The right to health is also one of the issues that has been denied by the Jair Bolsonaro government, which does not prioritize health. In this way, increasingly distancing people from their human rights.
14. In a public statement, President Bolsonaro said he was proud that his government had not demarcated any indigenous reserves¹. This type of statement clearly demonstrates the violence perpetrated by President Bolsonaro, as well as by executives from Brazilian government spheres, in relation to indigenous peoples and traditional communities.
15. Furthermore, government supervision of illegal mining activities in the Brazilian Amazon proves to be inefficient and ineffective. Miners without government authorization and without environmental licenses have promoted both the destruction of the environment and violence against indigenous peoples and traditional communities.
16. With regard to black and brown people, the issue of structural racism remains a crucial point of attention for the Brazilian State. The press in the country daily report situations of physical and psychological violence against black and brown people.
17. Violence against minorities is also manifested in the form of religious discrimination, with the destruction of spaces destined for Afro-Brazilian spirituality, as well as moral and physical aggression against the religious leadership of such groups. It is urgent to intensify national campaigns against racism and prejudice, as well as train the police force to respond

¹Capital Letter. **Bolsonaro celebrates that the government has not demarcated any indigenous lands.** Published: 13 Oct. 2021. Available at: <https://www.cartacapital.com.br/politica/bolsonaro-celebra-que-governo-nao-demarcou-nenhuma-terra-indigena/>

to and investigate complaints and denunciations of religious prejudice.

18. In this area, the Brazilian State is required to:

- a. the expansion of public policies and territorial planning of actions to protect and demarcate the lands of indigenous peoples and traditional communities;
- b. environmental inspection and policies to control illegal mining, as well as the intensification of police action to stop violence against indigenous peoples and traditional communities;
- c. the adoption of effective measures for human rights education, with a focus on eliminating structural discrimination and racism.

LGBTQIAP+ people

19. In Brazil, the persecution and destruction of LGBTQIAP+ lives continue to be a key issue in the Human Rights theme. The denial of basic rights related to human existence is a continuous practice in the country.

20. The absence of specific public policies aimed at protecting LGBTQIAP+ people is the cause of the increase in violence against the lives of these persons. Discrimination and prejudice are points of attention, especially in the world of work.

21. According to ANTRA – National Association of Transvestites and Transsexuals of Brazil, and the IBTE – Trans Brazilian Institute for Education, in 2017, 2018, 2019 and 2020, respectively, 179, 163, 124 and 175² transgender women and transvestites were murdered. In 2021³, 140 trans people and transvestites were murdered, being 135 transvestites and transgender women and 5 trans men and transmale persons.

22. In this area, the Brazilian State is required to:

² Dossier on murders and violence against Brazilian transvestites and transsexuals in 2020 / Bruna G. Benevides, Sayonara Naider Bonfim Nogueira (Orgs). – São Paulo: Expressão Popular, ANTRA, IBTE, 2021. Available at: <https://antrabrasil.files.wordpress.com/2021/01/dossie-trans-2021-29jan2021.pdf>

³ Dossier murders and violence against Brazilian transvestites and transsexuals in 2021 / Bruna G. Benevides (Org). – Brasília: Distrito Drag, ANTRA, 2022. Available at: <https://antrabrasil.files.wordpress.com/2022/01/dossieantra2022-web.pdf>

- a. Implementation of public policies aimed at protecting LGBTQIAP+ lives, recognizing the serious threat to the lives of this social group;
- b. Promotion of the social inclusion of LGBTQIAP+ people, with special attention to policies for insertion in the world of work;
- c. Implementation of a national education plan for police and security forces to provide adequate care for LGBTQIAP+ people who are victims of various forms of violence.

Civil and political rights

Right to life, liberty and security of the person

23. The Brazilian State has not yet implemented effective measures to ensure the prevention of violence and the investigation of crimes against human life.

24. Violence against human life, in Brazil, prefers hitting young and black men, according to the Atlas of Violence 2021⁴. The emblematic case of the murder of Congolese immigrant Möise Kabagambe⁵, which took place in Rio de Janeiro-RJ, in 2022, is an example of the brutality directed against black people in Brazil.

25. In 2019, blacks (the sum of blacks and browns in the IBGE classification) represented 77% of homicide victims, with a homicide rate per 100,000 inhabitants of 29.2. Comparatively, among non-blacks (the sum of yellow, white and indigenous people) the rate was 11.2 per 100,000, which means that the chance of a black person being murdered is 2.6 times higher than that of a non-black person. In other words, in the last year, the rate of lethal violence against black people was 162% higher than among non-black people. Likewise, black women accounted for 66.0% of the total number of women murdered in Brazil, with a mortality

⁴ **Atlas of Violence 2021**. Daniel Cerqueira et al., — São Paulo: FBSP, 2021. Available at: <https://www.ipea.gov.br/atlasviolencia/arquivos/artigos/1375-atlasdaviolencia2021completo.pdf>

⁵ Forum Magazine. **"Hope was beaten to death": the moving account of the journalist who met Moise Kabamgabe** _ Published: 03 Feb. 2022. Available at: <https://revistaforum.com.br/redes-sociais/2022/2/3/a-esperana-foi-assassinada-pauladas-emocionante-relato-do-jornalista-que-known-mose-kabamgabe -109620.html>

rate per 100,000 inhabitants of 4.1, compared to a rate of 2.5 for non-black women.

26. When analyzing the data from the last decade, we see that the reduction in homicides that occurred in the country was much more concentrated among the non-black population than among the black population. Between 2009 and 2019, homicide rates decreased by 20.3%, with blacks having a 15.5% reduction and 30.5% among non-blacks, that is, a decrease in non-black homicide rates, black population is 50% higher than that corresponding to the black population. If we also consider the absolute numbers for the same period, there was a 1.6% increase in homicides among blacks between 2009 and 2019, from 33,929 victims to 34,446 in the last year, and among non-blacks, on the other hand, there was a reduction of 33 % in the absolute number of victims, from 15,249 dead in 2009 to 10,217 in 2019.

27. Added to this, the murder of the councilor of the Municipality of Rio de Janeiro, and human rights activist Marielle Franco⁶, for example, has not yet been elucidated after four years of investigation. Other environmental activists and human rights defenders have been brutally murdered, without the Brazilian State adopting urgent and effective measures to punish the aggressions and stop these attacks.

28. The measures required by the Brazilian State are:

- a. Implement public policies to protect the lives and physical integrity of human rights defenders and activists;
- b. Improve police investigative practices, as well as the judicial policy of criminal prosecution related to crimes against human life.

⁶Newspaper the State of São Paulo (Estadão). **Marielle Franco: everything to know about her**. Available at: <https://tudo-sobre.estadao.com.br/marielle-franco>