

1. This report is produced based on the monitoring and the analysis of data on the Brazilian reality related to issues involving racial equality and women's rights from the non-governmental organization, Criola, which has been active for 30 years in the defense and the promotion of the rights of black women in Brazil. The data used in this report is sourced from documents produced by Criola and its partners during the period from 2017 to 2022, which includes reports and dossiers dealing with sexual and reproductive rights in addition to the closing of civic spaces, with an intersectional focus based on race and gender analysis.
2. Throughout the past few years, Brazil has been suffering from setbacks in democracy and in sectors linked to human rights. The restrictions on civil society participation in decision-making spaces, in addition to the high rates of police violence and gender violence, reveal the lack of government commitment to the strengthening of a fair and equal society. <sup>1</sup> With the health emergency introduced by the Covid-19 pandemic starting in 2020, the situation in the country becomes even more disturbing with the exacerbation of social inequality. Few of the recommendations from the Universal Periodic Review have been implemented on behalf of Brazil. We highlight the recommendations received and approved by the Brazilian government during the third cycle of that review, focusing on those that address the situation of afro-descendent girls and women and the closing of civic spaces in the country and their status of implementation.
3. Regarding public security and abuses by the security forces, Brazil accepted the recommendations number **136.59, 136.61, 136.63, 136.64, 136.70** and **136.71**, proposed by Rwanda, the United States, the Czech Republic, France, the Bolivarian Republic of Venezuela and Germany, respectively. **None of these has been fully implemented.** The National Security Law and the inconsistency in the investigations of abuses and deaths caused by agents of the security forces maintain the hegemonic order and, consequently, hinder the presence of cis-gendered and trans-gendered black women in civic spaces. In previous cycles, observations and recommendations were made about the abuse of power and the

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<sup>1</sup> In Brazil, there are 55 billionaires with total wealth of \$176 billion. Since March 2020, when the pandemic was declared, the country has gained 10 new billionaires. The increase in billionaires' wealth during the pandemic was 30% (\$39.6 billion), while 90% of the population had a 0.2% decrease between 2019 and 2021. The top 20 billionaires in the country have more wealth (\$121 billion) than 128 million Brazilians (60% of the population) (OXFAM, 2022). Oxfam International January 2022. Available in: <https://materiais.oxfam.org.br/relatorio-a-desigualdade-mata>.

extrajudicial executions carried out by the country's security forces, but few actions were taken to prevent such acts at the national level.

4. The Federal Supreme Court upheld a decision that prohibited police operations in Rio de Janeiro's slums during the Covid-19 pandemic. According to the Court's decision, police incursions could only happen in exceptional situations communicated in writing to the state prosecutor's office. Despite the ruling, on May 6, 2021, the most lethal operation in the history of the state of Rio de Janeiro carried out by the civil police took place, known as the Jacarezinho Chacina. During the nine hours of the operation, at least 29 people were killed, 28 of them were Jacarezinho residents and one was a police officer. The justification used for the operation was fighting drug trafficking, but, as usual, it ended up costing the lives of several civilians who lived in the conflict areas. It is worth pointing out that the recommendation number **136.70**, approved by the Brazilian government in the last cycle, deals specifically with this type of case, indicating that there are actions to *"prevent violence and extrajudicial executions by the security forces, especially the called 'war on drugs'.*
5. According to the Brazilian Public Safety Forum <sup>2</sup> in 2020, 79.9% of the Brazilians killed by police intervention were African descendants which reinforces the evidence of the structural racism and racial profiling that guide police actions in Brazil. Children do not escape the statistics: in the last five years 100 children have been hit by gunfire during police operations in the state of Rio de Janeiro, with 32% of the shootings in 2019 occurring on the outskirts of schools. <sup>3</sup> Until the writing of this report, only two police officers had been denounced for the death of one of the residents from Jacarezinho's community during the Chacina, leaving the impunity that hovers over the violence of the security forces in the country explicit.
6. The recommendation **136.57** proposed by Iraq, about anti-terrorism legislation, **has not been fully implemented.** There is an international concern which is shared by the Brazilian civil society that the Anti-Terrorism Law (Law n. 13.260 of 2016), because of its vague terms and definitions, may be enforced against

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<sup>2</sup> Fórum Brasileiro de Segurança Pública, 2021. Anuário Brasileiro de Segurança Pública 2021. Available in: <https://forumseguranca.org.br/anuario-brasileiro-seguranca-publica/>

<sup>3</sup> El País. Cem crianças baleadas em cinco anos de guerra no Rio de Janeiro. Available in: <https://brasil.elpais.com/brasil/2021-04-29/100-criancas-baleadas-em-cinco-anos-de-guerra-contra-a-infancia-no-rio-de-janeiro.html>

social movements. Despite the recommendation's approval, no measures have been adopted by the government to restrict the comprehension of the law and to prevent its possible misuse.

7. In the same vein of the Anti-Terrorism Law, the enactment of Law 14.198 of 2021 revoked the National Security Law (Law n. 7.170 of 1983) which dated back to the period of the military dictatorship. Even though it is predetermined that "the critical manifestation against the constitutional powers", protests, meetings and other forms of political organization for social purposes do not constitute a crime, the Law presents vague and broad terms, consenting to subjective interpretations and potentially harmful arbitration.
8. In addition, currently Brazil's National Congress, there is a large volume of bills that aim to amend the Anti-Terrorism Law, intensifying important characteristics for the improvement of the provisions of law. For instance, the generalization and the flexibility of terms and the reduction of institutional obstacles against future applications that may result in prejudiced arbitration against organizations. The Law n. 1.595/2019, a revision of the text presented by previously federal Congressman, Jair Bolsonaro, has a repressive nature and, due to its vague terms, can be used for political, not legal, purposes. This bill would intensify the possibilities of persecution against opponents of the government, which includes civil society organizations, especially those formed by cis-gendered and trans-gendered African descendent women. Thus, the preparatory acts would legalize the presumption of police officers about someone's assumed intention, which would be enough for criminalizing that person. The arbitrary use and the application of the Anti-Terrorism Law as a means of political persecution shape an indicator correlated to the crimes against national sovereignty, demonstrating how the closing of civic spaces is articulated. The offenses are also vague and broad, the penalties are disproportionate, and they serve as an efficient tool to legalize arbitrary criminalization.
9. Recommendations number **136.11**, **136.112**, **136.113**, **136.114**, **136.115**, **136.116**, **136.118**, **136.119**, **136.20**, **136.21** and **136.122**, proposed respectively by Tunisia, Belgium, the State of Palestine, the Netherlands, Norway, Poland, Australia, the Czech Republic, France, Ireland, and Mongolia, **were not fully implemented**. The proposals provided suggestions on protection mechanisms

for human rights defenders and had not been implemented. The proposals deal with different areas of protection for these activists, none of which have been fully implemented and have instead experienced setbacks. The omission of the State in charging the aggressors and the lack of sufficient protection offered to individuals and groups threatened due to their actions in defense of human rights result in the tragic situation in the country, which occupies the fourth place in the global ranking of murders of human rights defenders.<sup>4</sup> In this scenario, women are the most vulnerable to violence and violations linked to their political practices in defense of human rights. They are subjected to multiple forms of oppression, risks and threats that become worse when the dimensions of race, gender, age group and territory are considered.

10. The Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) has suffered intense dismantling, leaving human rights defenders helpless. The lack of institutional support to individuals and groups that act in defense of human rights in their territories is one of the expressions of the closing of civic spaces in Brazil. The main way to weaken the program is through the very low budget implementation: in 2019, less than 17% of the budget allocated for the PPDDH was paid in the year, and in 2020, 10.27%.<sup>5</sup>
11. The participation of civil society in the PPDDH was reduced after the change in the composition of the Deliberative Council, which now has an absolute majority of representatives from the federal government. The lack of a legal framework that structures and strengthens the protection of human rights defenders is an indication of the lack of institutionalization of the program as a permanent public policy of the State. Another point that demonstrates the ineffectiveness of the program is the lengthy process involved in the state bureaucracy to define a protection plan, which does not correspond to the urgency that normally follows the cases.
12. The conservative movement that has been growing in the country since 2017 has been accompanied by the closure of civic spaces. This process unfolds on

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<sup>4</sup> Terra de Direitos e Justiça Global. 2021. Começo do fim? O pior momento do Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas. Available in: <https://terradedireitos.org.br/uploads/arquivos/Relatorio---Comeco-do-Fim.pdf>

<sup>5</sup> Terra de Direitos. 2021. Dossiê Vidas em Luta: criminalização e violência contra defensoras e defensores de direitos humanos no Brasil. Available in: <https://terradedireitos.org.br/uploads/arquivos/Dossie-Vidas-em-Luta.pdf>

different fronts ranging from the closure of councils, or the withdrawal of civil society participation from these spaces, and the murder of activists. The assassination of councilwoman and human rights activist Marielle Franco and her driver Anderson Gomes in Rio de Janeiro on March 14, 2018, launched the violence against human rights defenders in Brazil into the national and international spotlight.

13. The PPDDH has been progressively dismantled during Jair Bolsonaro's government; the shrinking budget and the decrease of cases that are included in the program make it a very ineffective measure in the defense of activists threatened with violence.
14. In the context of human rights and women's rights, including those related to sexual and reproductive health, the policies adopted by the government of Jair Bolsonaro follow the same conservative trend. Unlike our neighbors in South America, such as Argentina and Colombia, which have been going through the "green wave" of decriminalization of abortion, the Brazilian government has been adopting regressive policies in an attempt to restrict the possibilities of the voluntary interruption of pregnancy. The possibility of a pleasurable and violence-free sex life is taken away from trans and cis black women, since sexual and reproductive rights, such as sex education, access to contraceptive alternatives, family planning and safe abortions are denied by state policies.
15. The interruption of pregnancy in Brazil is legalized in three situations provided by law: pregnancy resulting from rape; risk to the life of the pregnant woman; and fetal anencephaly. Despite the legal provision for the procedure, a series of barriers are placed to hinder women's access to this right. The recommendation numbers **136.158, 136.159, 136.160, and 136.161** proposed by Switzerland, Uruguay, France, and Iceland, respectively, deal with the importance of access to safe and legal abortion in Brazil, among other measures related to women's sexual and reproductive health. Although approved by the country in the last cycle, **none of them have been fully adopted or implemented.**
16. Criminalized abortion is one of the main causes of maternal death in Brazil, with Afro-Brazilian women being the most vulnerable to the consequences of an illegal abortion, corresponding to 47.9% of hospitalizations and 45.2% of abortion deaths, compared to 24% and 17% of white women, respectively. The National Abortion Policy (2017) also pointed out a higher frequency of abortion

among black women. However, racial inequalities are not only expressed in the number of abortions performed. In research conducted by Emanuelle Góes (2018), it is possible to identify that black woman seeking abortion terminate their pregnancies further along in their pregnancy, face more institutional barriers, especially the waiting time for a vacancy or bed (three times longer than that reported by white women), and represent double the rates of white women for rates of regular, severe or very severe conditions.<sup>6</sup>

17. More subtle actions are taken by the federal government to mitigate access to legal abortion, as is the case of the Portaria 2.561 of September 2020,<sup>7</sup> which changes the procedure that must be adopted by health professionals when performing the termination of pregnancy resulting from rape. According to the new normative, health professionals are obliged to notify the police of the case. Although it seems to be a measure that intends to reduce the impunity of the aggressors, it may lead the victim to avoid seeking medical care for fear of what may happen after the denouncement is made.
18. One of the most emblematic cases of disrespect for the reproductive health of women and girls, and, consequently, of the recommendations, were the obstacles placed on a ten-year-old girl's access to an abortion in the Brazilian state of Espírito Santo. In August 2020, the case of this girl who was impregnated after being raped by her uncle became public; the abuse had been occurring since the victim was only 6 years old. The situation fits into two of the three legal provisions for pregnancy termination according to the Brazilian legislation: risk to the pregnant woman's health and sexual abuse. Despite the legal framework, there was an intense movement to prevent or postpone the procedure. A few of these actions involved the participation of the Minister of Women, Family and Human Rights, Damara Alves, who has always been openly against abortion under any circumstances. After the refusal of doctors and hospitals in the girl's home state, she was transferred to a hospital in Pernambuco to have the

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<sup>6</sup> CRIOLA, 2021. Mulheres Negras e Justiça Reprodutiva's report. Available in: <https://drive.google.com/file/d/1eHGSM3DmKx1m9NbXEqrFBKRQnZgeoBx/view?usp=sharing>

<sup>7</sup> CRPMG. September, 2020. Brasil enfrenta momento de retrocessos na descriminalização do aborto. Available in: <https://crp04.org.br/brasil-enfrenta-momento-de-retrocessos-na-descriminalizacao-do-aborto/>; O GLOBO. October, 2020. Ministério da Saúde admite que publicou portarias por pressão de entidades antiaborto. Available in: <https://oglobo.globo.com/brasil/ministerio-da-saude-admite-que-publicou-portaria-por-pressao-de-entidades-antiaborto-24675541>

procedure done.

19. The mortality rates for pregnancy-related reasons are historically higher among Black Brazilian women, who are victims of the overlapping of different types of violence during pregnancy, such as obstetric violence and racial discrimination. The health emergency caused by the pandemic of COVID-19 further restricted access to the public health system and prenatal care, Brazil even led the world in maternal deaths from COVID-19. According to data produced by the Brazilian Obstetric Observatory of Covid-19, by May 2021, maternal deaths among black women were 77% higher than among white women, demonstrating the impact of institutional racism on maternity health.<sup>8</sup> With these data we reinforce that none of the recommendations related to sexual and reproductive rights mentioned above have been effectively implemented.
20. In the context of this document, and in order to confront the racism and sexism present in Brazilian society, we propose the following recommendations: 1) Expand the Protection Program for Human Rights Defenders, Communicators and Environmentalists by serving all individuals and groups at risk who are seeking help, recognizing the importance of race and gender markers, and institutionalizing the program as a public policy of the State; 2) Ensure access to reproductive health services, including dignified prenatal care and safe abortion without discrimination; 3) Combat the systemic racism faced by African descendant women within the health care system that, among other things, leads to high rates of maternal mortality; 4) Investigate and hold agents of the security forces involved in cases of abuse of power and killings during police actions accountable.

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<sup>8</sup> CRIOLA, 2021. Mulheres Negras e Justiça Reprodutiva's report. Available in: <https://drive.google.com/file/d/1eHGSM3DmKx1m9NbXEqrFBKRQQnZgeoBx/view?usp=sharing>