



association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture

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Item 6: Consideration of UPR Reports
Oral Statement, Association for the Prevention of Torture

BRAZIL

Madame President,

- Torture and other ill-treatment continue to be a widespread practice in Brazilian places of deprivation of liberty, and such acts generally go unpunished, as highlighted by the UN Subcommittee on Prevention of Torture (SPT) following its visit to Brazil in September last year.¹

During Brazil's second Universal Periodic Review (UPR) in May, more than 20 states made references to issues related to continuing torture and other ill-treatment, serious deficiencies in the penitentiary system, very poor conditions of detention, including overcrowding, and lack of access to justice for persons deprived of their liberty.² Among the measures recommended by those states is the need to adopt Bill No. 2442 creating a national system to prevent torture, including the establishment of a new body to regularly monitor all places of detention in the country. The creation of such a body, known as a National Preventive Mechanism (NPM), has been overdue since January 2008, a year after Brazil ratified the Optional Protocol to the Convention Against Torture (OPCAT).

During the UPR, some recommendations addressed the need to adopt Bill No. 2442 and ensure that the selection process for the members of the future mechanism guarantees their independence, in conformity with the OPCAT.³ These new recommendations echo the call made by the SPT in the report of its visit to Brazil, that "the State party introduce the necessary changes, so as to guarantee an open, transparent and inclusive process, in particular of civil society, for the selection and appointment of NPM members."⁴

The APT welcomes the decision of Brazil, last June, to publish the SPT report, recognizes it as an important, albeit insufficient, step and therefore calls on the State to implement all SPT recommendations.

Finally, the APT welcomes the acceptance by Brazil of most recommendations related to torture but regrets that the State does not fully support the key recommendation by the UK to amend the NPM bill and ensure an independent selection process of the members of the mechanism.⁵ We therefore call on Brazil to implement, without exception, all UPR recommendations related to torture and other ill-treatment and to make torture prevention a priority, through the prompt creation of an independent NPM. Thank you, Madame President.

¹ See Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report on the visit to Brazil, ¶¶ 79 and 52, UN Doc. CAT/OP/BRA/1, 5 July 2012.

² See Human Rights Council, Draft report of the Working Group on the Universal Periodic Review, Brazil, UN Doc. A/HRC/WG.6/13/L.9, 30 May 2012, ¶¶ 119.11, 119.12, 119.14.

³ Art. 18, OPCAT.

⁴ SPT, Report on the visit to Brazil, ¶17.

⁵ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review, Brazil, ¶¶ 119.12.