

March - September 2020

CIVIL SOCIETY REPORT

UNIVERSAL PERIODIC
REVIEW OF HUMAN
RIGHTS IN THE
**CONTEXT OF
COVID-19**

20

20

COLETIVO

RPU

BRASIL



COLETIVO

RPU

BRASIL

IMPORTANT NOTES

This is an Interactive PDF.

So, you can click on the items highlighted throughout the pages!



Click the arrows to **advance or return to a page.**



Click on this icon **to go back to Summary.**

12

28

43

Click on the Summary chapters to go to the corresponding page.

Understanding some icons



Signs showing how many recommendations are implemented, partially implemented and not implemented within the topic.



Number of recommendations in setback within the theme.



Indicates that the recommendation is in situation of setback.



Organization

Instituto de Desenvolvimento e Direitos Humanos - IDDH

Support

Friedrich-Ebert-Stiftung Brasil

Texts

ABGLT - Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis, Transexuais e Intersexos

Articulação dos Povos Indígenas do Brasil - APIB

Articulação para o Monitoramento dos Direitos Humanos no Brasil

Artigo 19

Campanha Nacional pelo Direito à Educação

Central de Cooperativas e Empreendimentos Solidários do Brasil - UNISOL

Centro de Direitos Econômicos e Sociais - CDES

Centro de Educação e Assessoramento Popular - CEAP

CLADEM - Comitê Latino-americano e do Caribe para a Defesa dos Direitos da Mulher

Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas - CONAQ

Conectas Direitos Humanos

FIAN Brasil

Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil - FNPETI

Gabinete de Assessoria Jurídica às Organizações Populares - GAJOP

Geledés - Instituto da Mulher Negra

Gestos

Instituto de Desenvolvimento e Direitos Humanos - IDDH

Instituto de Migrações e Direitos Humanos - IMDH

Instituto de Pesquisa e Formação Indígena - IEPÉ

Intervozes

Justiça Global

Movimento dos Atingidos e das Atingidas por Barragem - MAB

Movimento Nacional dos Direitos Humanos - MNDH

Rede de Cooperação Amazônica - RCA

Terra de Direitos

Themis - Gênero, Justiça e Direitos Humanos

Images

Daniela Fichino - Justiça Global

Envato

Léo Adalís

Lizely Borges - Terra de Direitos

Luís Donisete Benzi Grupioni - Iepé/RCA

Marcia Alves - Metrô

Mario Campagnani - Justiça Global

Design

Tayane da Costa





	Introduction	
	Executive Summary	
01	Indigenous Peoples and the Environment	12
02	Prison system, Combating Torture and Public Security	28
03	Health	43
04	Gender and sexuality	49
05	Education	59
06	Racism, Setbacks, Inequalities, Austerity and Rights	64
07	Adequate Urban Housing, City and Food and Nutrition	74
08	Human Rights and Companies	78
09	Human Rights Defenders, Right to Transparency and Information and Democracy	81
10	Migrants and Refugees	87
11	Work and Income	90
12	Children and Adolescents	94

SUMMARY

INTRODUCTION

The UPR Brazil Coalition is composed by 30 entities of the Brazilian civil society, since its creation in 2018, has conducted the monitoring of human rights in the country through the mechanism of the Universal Periodic Review (UPR) of the United Nations.


In 2019, it drafted its first Mid-Term Report¹, in which it assessed 163 recommendations of the 242 accepted in this 3rd cycle. From these, 142 were considered as not implemented, 20 partially Implemented and only 1 implemented.

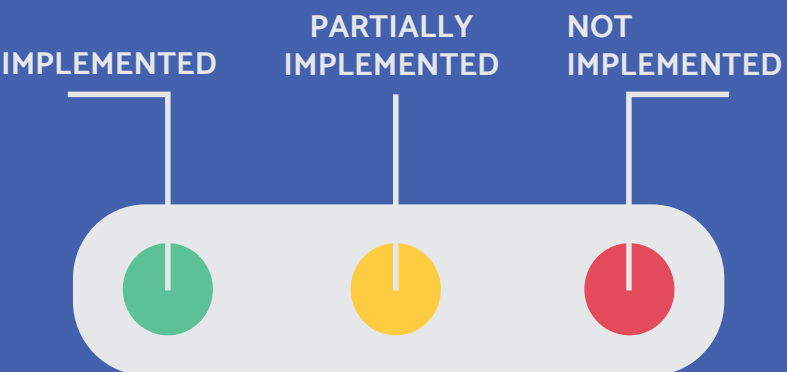
In 2020, on the grounds of the pandemic of the new coronavirus, the UPR Brazil Coalition chooses to prepare a new report. Entitled Universal Periodic Review of Human Rights in the context of Covid-19, its aim is to denounce the deepening of violations of human rights that have already been identified by the group. As well as to record new violations that occurred during this time of institutional, health, and economic crises caused not only by the Covid-19 pandemic.

¹ Available on UPR Brazil Platform (in Portuguese and English) and on the page of the UPR for Brazil, on the site of the United Nations High Commissioner (in English).

For such, following a methodology similar to that of the Mid-Term Report, the UPR Brazil Coalition selected and evaluated 190 recommendations, divided into 12 chapters determined by themes/human rights/public affected.

It features:

- a) the assessments of the recommendations, indicating the level of compliance with these as "Implemented", "Partially Implemented" or "Not Implemented". In the latter case, indicating whether the topic assessed, in addition to not being implemented, is also a setback 
- b) for each assessment, it presents a small text containing data (laws, public policies, official publications, newspaper articles, among others) that justify the evaluation;
- c) are associated with one or more of the Sustainable Development Goals (SDGs) of the 2030 Agenda for each recommendation.



Of the 190 recommendations here assessed, 47 are considered in partial compliance, only 1 being implemented and the majority, 142, are considered as not implemented. Of these, the UPR Brazil Coalition still considers that 64 are in a situation of SETBACK. This means that, in addition to not fulfilling more than half of the recommendations, Brazil is in the opposite direction to the fulfillment of at least 26.44% of all the recommendations of the 3rd Cycle of the UPR.



The crisis caused by the Covid-19, applied to the Brazilian context, brought the strengthening of a contraction arising from the period before its arrival. Constitutional Amendment no. 95/2016, great emblem of a fiscal crisis that has dragged on for five years, in addition to the reduction of civil society's participation and social pluralism, increasing barriers to the functioning of a democracy anchored on human rights..

In view of the scenario found in Brazil, we can assess that the multiple crisis (health, economic, political, ethical) has two main effects on society, as will be seen throughout this report. In the foreground, it causes conflicts overlaying the hate and misinformation regarding empathy and dialog, enabling the abolition of plural agendas, the weakening of civil society and even the decision that beckons and colludes with

genocide. In the background, the crisis also has the bias of acting as a curtain of smoke, a kind of screen that conceals all the dismantling and intransigence of rights, previous or concomitant to their installation. Combined, these two plans lead to a setback, both human and institutional.

Either by the decrease of transparency, or by the depletion of channels for civil society's participation in the control and monitoring of protective policies and standards, it is a fact that the crisis meant the dismantling of several achievements of human rights in the country. An example of this are the setbacks in the fulfillment of some of the 242 recommendations received and accepted by Brazil in the 3rd Cycle of the Universal Periodic Review (UPR) at the UN Human Rights Council.



190 of these recommendations are evaluated in this report. Our analysis and evaluation indicate that **142 recommendations (58.68%) are not being implemented by the country**, and, among these, in **64 recommendations we recorded serious setbacks**. This means that, in addition to not fulfilling more than half of the recommendations, Brazil is in the opposite direction to the fulfillment of at least a third of all the recommendations of the cycle.

The Covid-19 pandemic has been configured as a humanitarian tragedy in Brazil: we recorded the second highest number of deaths and the third in people infected in the world. Until September 2020, there were more than 140,000 deaths and more than 4.5 million people contaminated (behind the US and India, in this order). This scenario aggravates the situation of violation of human rights of various segments that form the Brazilian society.

The advancement of the community transmission of the Covid-19 in indigenous and Quilombola territories and concrete legislative threats to the constitutional rights of these peoples, demonstrate that the Brazilian State does not fulfill its constitutional duty with peoples and traditional communities and of awareness on ethnic and racial equality.

On the contrary, it does not demonstrate any effort to combat racism, also heading measures that promote institutional racism and increase of violence against indigenous people and quilombolas, stimulating greed and the unsustainable exploitation of natural resources existing in their territories.

In the same tone, a process of dismantling follows of the environmental policy of the country, threatening the preservation of biomes, with serious losses to Brazil and to the world, and with enormous impacts on the lives of people and traditional communities.





Few have been the efforts in comparison to the prison system, public safety and combat to torture. The recommendations also have not been implemented and, even in the emergency situation generated by the pandemic measures, have not been implemented in order to ensure minimum conditions of health for people deprived of freedom or reduction of incarceration, composed in their majority by black people, reaffirming the structural character of Brazilian racism.

Due to the crisis and the scenario of public health in the country, it was expected that there would be difficulty in responding to the emergency and its consequences. However, what was not expected was the total unpreparedness of the government in dealing with the emergency. The four years of duration of EC no. 95 contributed to weaken the system of social protection and health, resulting in enormous consequences for a rapid and effective response during the crisis generated by the pandemic.

In the same way, EC 95 also stagnated the investments in education and the goals that focus on improving the quality and financing of education, eliminating discrimination and promoting inclusive and intercultural education.

The deepening of the setback is on the brink of the immeasurable, but this becomes especially worrying when we observe the recommendations on the promotion of human rights and poverty reduction and of social inequalities.

The measures were insufficient for the expansion of gender equality, and reduction of femicide, which has black women as the main victims, and violence based on sexual orientation and gender identity. The reduction of spaces of civil society's participation and the mechanisms of social control, as well as the lack of transparency and violations of freedom of the press and expression also arouse concern, because the government's authoritarian decisions in force contradict fully the recommendations received in the UN and undermine the vitality of our participatory democracy.



The current government is failing systematically in the commitment of the Brazilian State with the promotion and protection of human rights. The neglect is not only in the bizarre and uninformed manifestations of the political representatives, they reveal themselves, unfortunately, in the destruction of existing public policies and a management that is not aligned with the need of the country. The Report makes clear the setbacks that Brazil has had, such as the approval of the new regulatory framework of water and sanitation, which opens the way for the privatization of this essential and strategic public service for the prevention of various infectious diseases, including the Covid-19, as well as the complete omission with the evictions of vulnerable populations, which from March to August of 2020 totaled approximately 7,000 families across the country, according to data from the Zero Eviction Campaign in Defense of Life in the City and in the Field, and who are now homeless or living in cohabitation, exposed to contamination.

In this way, the setbacks are the main agenda discussed in this Report, which brings with care the dismantling decisions at the stroke of the pen, that give life to a scorched earth concept for human rights. It also shows the questionable

attitude of the authorities in the face of coping with the pandemic and issues of public security, reducing inequalities and many other topics of vital importance in a really democratic and plural society.

It is necessary, in the period, to have an active participation of the judiciary in the containment of the disservices, which devastated the fundamental rights and guarantees, while the other powers put their agendas above these or saw them as negotiable items in the political game. Consequently, we are witnessing a process of exacerbation of judicial resolutions to ensure that consolidated public policies and successful governmental programs were not dismantled from one day to the next.

If it were not for these setbacks, it could be said that almost nothing or very little has changed in this period in comparison to the previous report of 2019, drafted by this Group of civil society organizations that monitors the compliance with the recommendations of the UN, adding only the accession of a Convention² to which the posture of the State does not demonstrate a real interest in ensuring it, leading to the assumption that it is nothing more than a dead letter.

On drafting and disclosing the present Report, we hope to draw public attention, nationally and internationally, to the serious setbacks in the agenda of human rights in the country, aggravated by the Covid-19 pandemic, at the same time that we call the public powers to comply with the voluntary commitments assumed before international organizations and efforts to promote and protect the human rights of the most marginalized segments of Brazilian society.


No lesser rights.

**UPR Brazil Coalition
September 2020**

² Convention 189 of the ILO on domestic workers. Finds support in recommendation no. 16, formulated by Nicaragua. This will be discussed further in the topic Work and Income.

01 INDIGENOUS PEOPLES AND THE ENVIRONMENT



Recommendations 35, 36, 224, 225, 228 242  and 243, which deal on measures of prevention and punishment to racism, discrimination and violence against indigenous peoples and awareness of ethnic and racial equality, are not being implemented.

The beginning of the administration of the current Federal Government marked a period of intensification of the attacks on indigenous peoples and violations of their rights by the State³, the scenario worsened in the first half of 2020 with the advance of the transmission of the Covid-19 in indigenous territories and concrete legislative threats to the constitutional rights of these people. The Brazilian State goes in the opposite direction of awareness on ethnic and racial equality and does not demonstrate any effort to prevent racism, also heading measures that promote the increase of violence against indigenous peoples.

The discriminatory positioning and the integrationist discourse of president Jair Bolsonaro⁴ and his followers in relation to indigenous peoples, recorded, during the pandemic another emblematic episode when it came to public, authorized by the STF⁵, the record of the Inter-ministerial Meeting held on 22 April, 2020, in which there was a clear and ignited demonstration of the then Minister of Education, Abraham Weintraub, against human rights and indigenous constitutional rights⁶.

In the same meeting, the Minister of the Environment, Ricardo Salles, stated that he sees the crisis of the Covid-19 as an "opportunity" to accelerate the process of profligacy of environmental protection, by default of the Congress, which he said is "making significant changes"⁷.

3 Provisional Measure 870/2019, proposed by the president on 01 January 2019, determines the transfer of the National Indian Foundation (FUNAI) of the Ministry of Justice (MJ) to the Ministry of Women, Family and Human Rights. And withdrew from FUNAI, and transferred to the Ministry of Agriculture, its main tasks, to carry out the studies for the identification and delimitation of land, promote the supervision and protection of the demarcated areas, as well as those in which people inhabit that still have no established contact with the national society.

4 Indians in reservations are like animals in zoos, says Bolsonaro – G1 – 30/11/2018.

5 The content released by Minister Celso de Mello of the Supreme Federal Court, in Investigation record 4831 (Moro vs. Bolsonaro case), that is being considered in the Federal Supreme Court to investigate the alleged intervention of the President of the Republic in the Federal Police.

6 In an inflamed pronouncement, and without any challenge from the other authorities at the table, Minister Adam Weintraub expressed that "he hates the term indigenous peoples" and defended "putting an end to this thing of peoples and privileges". Hatred of Weintraub for the term "indigenous peoples" contradicts the Constitution – Veja – 23/05/2020.

7 Minister of the Environment advocates to 'making significant changes' and 'changing' rules while media attention is aimed at the Covid-19 – G1 – 22/05/2020.

This speech expresses the dismantling policy in the environmental area of this Government in favor of a developmental positioning, which defends the fuller exploitation of the natural resources of the Amazon⁸ and has directly impacted indigenous peoples, violating their territorial rights, weakening territorial protection actions and encouraging violent invasions. In response, the Federal Public Prosecutor (MPF) of Amazonas filed a public civil action, in March, against the Federal Government and the National Indian Foundation (FUNAI) for the discourse of hatred against the indigenous peoples⁹.

In addition to continuing with the total paralysis of the processes of demarcation of indigenous lands¹⁰,

and the mobilization to plead the thesis of the time milestone through the "Anti Demarcation Opinion"¹¹, **the Government has proposed and supported, in full pandemic, legislative measures that encourage the invasion and territorial conflict.** By means of draft bills and a normative instruction of FUNAI that advocate the mining and exploration activities in indigenous lands¹², amnesty to land grabbing¹³ and regulations in areas invaded¹⁴, **intrusions are encouraged and represent double threat in this scenario of pandemic, by initiated territorial disputes and by the prospect of contamination of the communities by the Covid-19 with the uncontrolled entry of people in their territories¹⁵.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
35. Continue efforts to enhance public awareness on issues of ethnic and racial equality and to combat violence against indigenous peoples.	Uzbekistan	10, 16	○ ○ ●
36. Carry out specific legislative reform to strengthen measures against discrimination on the basis of gender and ethnicity.	Uganda	5, 10, 16	○ ○ ●
224. Ensure that indigenous peoples and other minorities are protected against all forms of discrimination.	Philippines	5, 10, 16	○ ○ ●
225. Establish mechanisms to eradicate stigma and discrimination against indigenous groups and ethnic minorities, including awareness-raising among public officials, accountability and redress mechanisms.	Mexico	5, 10, 16	○ ○ ●
228. Take measures to combat violence and discrimination against indigenous peoples.	Togo	10, 16	○ ○ ●
242. Develop and implement a comprehensive strategy on fighting discrimination and marginalization of indigenous peoples.	Republic of Moldova	5, 10, 16	○ ○ ●
243. Continue efforts aimed at fostering inclusive social dialogue with all ethnic groups in Brazilian society.	Holy See	16, 17	○ ○ ●



8 Bolsonaro says that the Amazon could be the "economic soul" of Brazil - Reuters - 07/25/2019.

9 MPF asks for condemnation of the Federal Government and of Funai for hate speech against indigenous peoples - MPF - 28/08/2020.

10 Bolsonaro Government maneuvers to block the demarcation of indigenous lands in Brazil - El país - 04/05/2020.

11 Opinion 001/2017/GAB/CGU/AGU - Official Gazette - Session 1 - No 138, 20/07/2017, which is being used to block and annul demarcations of indigenous lands, determines that all the federal public administration adopts a series of restrictions to the demarcation of TIs. Among them, are the constraints in the case of TI Raposa Serra do Sol (RR), of 2009, and the thesis of the so-called "time milestone", according to which the indigenous peoples shall have the right to the demarcation of lands that were demonstrably under their possession on 5 October 1988, the date of promulgation of the Constitution. The MPF issued technical note Technical Note no. 02 /2018-6CCR considering this an unconstitutional Opinion.

12 Draft Bill 191/2020 - Chamber of Deputies, of authorship of the Federal Government.

13 Draft Bill 2633/2020 - Chamber of Deputies.

14 FUNAI NORMATIVE INSTRUCTION No. 9, OF 16 APRIL 2020.

15 Tragedy in progress: Covid-19 spreads through indigenous villages of the Brazilian Amazon and can decimate entire peoples - G1 - 11/06/2020.

The Report *Violence Against Indigenous Peoples in Brazil - data of 2018*¹⁶, systematized annually by the Missionary Indigenous Council (Cimi) - emphasizes that the invasions in indigenous lands are directly related to the availability of these areas for exploitation by agribusiness, mining and logging companies. The 2019 preliminary data¹⁷ are alarming and indicate twice as many invaded indigenous lands and the increase in the illegal practice of allotment of indigenous lands, especially in the North region. As a result, the first year of the Bolsonaro Government accounts, even, for a pitiful record in the increased number of murders of indigenous leaders, the highest in the last 11 years¹⁸. According to data collected by Pastoral da Terra¹⁹, the increase in the number of deaths of indigenous leaders is the result of a discourse of "institutionalized violence" in conflicts in the field²⁰.

In contrast to the mass underreporting of cases of indigenous peoples infected by the new coronavirus, on the part of the Government, the Articulation of the Indigenous Peoples of Brazil (APIB) created a digital platform - Indigenous Emergency²¹ - to systematize the count of these cases from an effort in conjunction with regional and local indigenous organizations; denounce the negligence of the Brazilian State before the serious scenario and articulate a network of international mobilization to support emergency measures of confronting.

This platform reveals an enormous discrepancy in relation to the official data. On 31 August, for example, while official government data showed through the Covid-19 Bulletin of the Special Secretariat of Indigenous Health (SESAI)²² 22,923 confirmed cases and 377 indigenous deaths, the Platform of Apib found 28,815 cases of indigenous people infected and 757 deaths²³, accounting for 156 people affected. SESAI only counts cases of people infected and deaths by the Covid-19 recorded on approved indigenous lands²⁴, which results in the invisibility of cases that occur in territories not yet approved, as well as the cases of indigenous peoples living in urban areas²⁵. These people have been notified in the general government statistics as "mixed race" and do not have any visits by the Houses of Support for Indigenous Health (CASAI), being forwarded to the Public Health Service (SUS), where invariably they suffer discrimination²⁶.

Minister Luís Roberto Barroso of the STF said that the lack of provision of health care to indigenous people who do not live in approved territories is "unacceptable", highlighting that the prerogative of indigenous identity is determined by the right to self-recognition by the members of the group itself and does not depend on the territorial approval²⁷.

16 Report on Violence Against Indigenous Peoples in Brazil - data from 2018 - Indigenous Missionary Council (CIMI).

17 The greatest violence against indigenous peoples is the destruction of their territories, appoints report of the Cimi - CIMI - 24/09/2019.

18 Killings of leaders and violence in the field grow in 2019 - Greenpeace - 17/04/2020.

19 Conflicts in the rural area in 2019 - Pastoral da Terra - 08/07/2020.

20 Number of deaths of indigenous leaders in 2019 is the highest in at least 11 years, says Pastoral da Terra - G1 - 10/12/2019.

21 Indigenous Emergency - Digital Indigenous Emergency Platform - Articulation of the Indigenous Peoples of Brazil (Apib)

22 Special Secretariat of Indigenous Health - SESAI.

23 Coronavirus advances and tragedy among indigenous peoples of the Amazon is imminent - National Geographic Brasil - 18/06/2020.

24 Decree no. 70 of the Ministry of Health, launched in 2004, the indigenous health services are focused only on populations living in villages (Ministry of Health, 2004).

25 Indigenous peoples in cities with Covid-19 will not be left without assistance, but are the responsibility of SUS, says Sesai - Instituto Socioambiental - 03/04/2020.


26 On the site Racismo Ambiental (Environmental Racism) it is possible to access the article Txai's trajectory in search of well-being: attention to health of elderly of the Mbya and cervical cancer which brings a detailed report illustrating the process of discrimination in the treatment of indigenous peoples in the Sistema Único de Saúde (Public Health Service), unprepared to assist ethnic culturally and linguistically differentiated groups. It is an article from 2016, but there has been no improvement in this sense, as demonstrated by the case of the Yanomami women in 2020, presented in this report.

27 Barroso tells Government to adopt measures to prevent the death of indigenous peoples by coronavirus - G1 - 08/07/2020.

APIB also indicates, on this Digital Platform, that the federal Government is the main agent of transmission of the Covid-19 in indigenous territories of difficult access through the entry of infected Army and Health teams. Another situation of discrimination and ethnic violence observed by indigenous peoples in the context of the pandemic is related to the burial in mass graves of bodies of indigenous people who die of Covid-19 in the city²⁸. Cases were recorded, including burials that have occurred without consulting the families, which goes against the practices, rituals and traditional beliefs of each people²⁹, violating their constitutional and human rights. This situation has also resulted in the refusal of the sick to perform tests and get them out of the villages for treatment in the cities for fear, in case of death, of being buried outside their territories and without respect for their social and cultural prerogatives.





28 Yanomami Children: three baby bodies are in the cemetery and one in the Boa Vista IML - 29/06/2020.

29 Coronavirus: burial of indigenous peoples without ritual requires dialog between leaders and the Ministry of Health, experts say - Amazônia Real - 13/04/2020.

Recommendations 222  , 235 and 241, which focus on the promotion of indigenous health, infant mortality, food and sanitation in the villages, are not being implemented.

At the beginning of April, the Organização dos Estados Americanos (OEA - Organization of American States) warned in a public note³⁰ that indigenous peoples face a situation of double vulnerability and urged the States to protect the welfare and health of its indigenous populations. However, the Brazilian Government’s response to the impact of the Covid-19 pandemic has not been satisfactory in any level³¹, putting the country on alert on the list of those most affected globally³².

The report of the Federal University of Pelotas (UFPEL)³³, shows that the mortality rate among indigenous peoples is significantly higher than the average of the Brazilian population, registering an index of 9.6% against 5.6% among Brazilians and indicating the indigenous peoples as a group highly vulnerable to the pandemic. Other studies suggest even more alarming data³⁴. The high vulnerability of indigenous populations to respiratory diseases is aggravated by the lack of structure of the Subsystem of Attention to Indigenous Health (SASISUS)³⁵.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
 <p>222. Continue proactive measures to promote rights of indigenous peoples as well as of the Afro-Brazilian population and ensure their well-being.</p> <p>235. Continue to invest in poverty alleviation policies and to ensure more effective and targeted implementation, so as to reduce social and economic inequality, in particular for rural populations and indigenous peoples.</p> <p>241. Strengthen human rights protection mechanisms for Indigenous Peoples, with special attention to ensure the human rights of indigenous girls and boys.</p>	Bangladesh	1, 2, 3, 4, 6, 7, 8, 9, 11, 15	
	Singapore	1, 2, 3, 4, 6, 7, 8, 9, 11, 15	
	Paraguay	1, 2, 3, 4, 6, 7, 8, 9, 11, 15	

30 Statement from the OAS General Secretariat on the Situation of Indigenous Peoples during the COVID-19 Crisis – OAS – 03/04/2020.

31 The Government’s response plunges Brazil into a crisis of international credibility – UOL - 20/05/2020.

32 The positioning of the Brazilian Federal Government regarding the pandemic is marked by the denial of awareness, by successive exchanges of ministers of health, by the insistent opposition to measures of social isolation and to the use of masks, by the absence of a national plan to face the pandemic, by the lack of massive campaigns of dissemination of information, by recommending the indiscriminate use of medication without scientific evidence, by the underreporting of cases and by the lack of testing. As well as the crisis brought about with other federal entities and powers and official pronouncements of the president that systematically ignore the alarming increase of deaths and emphasize as a national priority the protection of the economy. Brazil accounted for, in the first week of July, more than 66 thousand deaths (Coronavirus Panel – Ministry of Health - Brazil). In the case of indigenous peoples the impact of the community transmission of the Covid 19 is more serious and established a humanitarian crisis, especially in the indigenous peoples of the Amazon.

33 Research of the UFPEL esteems underreporting of covid-19 cases in Brazil – Agência Brasil – 01/06/2020

34 Analysis performed by the Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB), along with the Amazon Environmental Research Institute (IPAM), suggests that the number of cases and deaths among the Indians is three times higher than the general population, whereby the rate of mortality by coronavirus among indigenous peoples is 150% higher than the average Brazilian, and 20% higher than that recorded in the North region – the highest in the country. (Technical Note: These are not just numbers, they are lives! The threat of the covid-19 to indigenous peoples of the Brazilian Amazon region - COIAB/IPAM - 19/06/2020).

35 OVERVIEW OF THE COVID-19 - Digital Indigenous Emergency Platform – Apib; Among these structural problems are the lack of an adequate infrastructure; inadequacy of personal protection equipment (PPE); reduced inventory of supplies and medications; high turnover of professionals; difficulties in ensuring proper training and implementation of permanent education with the teams; and problems of integration with the health network; "Analysis of Demographic and Infrastructural Vulnerability of Indigenous Lands to Covid-19", Caderno Demográfica Indígena and COVID19, Núcleo de Estudos de População Elza Berquó/UNICAMP (Center of Population Studies). Org. Marta Azevedo, Fernando Damasco, Marta Antunes, Marcos Henrique Martins, Matheus Pinto Rebouças, 2020 ; "Subsidy Report to the UN Special Rapporteur on the rights of indigenous peoples of the United Nations regarding the impacts of the COVID-19 on indigenous peoples to the General Assembly, produced by the Apib in partnership with RCA, June 2020.

In addition, fiscal austerity measures have reduced resources of important social programs to combat the Covid-19 pandemic³⁶.

Actions of demarcation and monitoring of indigenous lands, many of which were invaded during the Covid-19 pandemic, had low budgetary execution between January and May 2020. Despite the emergency situation, only 39% of federal funds to combat the pandemic among indigenous peoples were in fact executed³⁷. FUNAI suspended the delivery of basic food baskets and assistance to land of indigenous peoples who do not have their demarcation completed³⁸. The Federal Public Prosecutor (MPF)³⁹ recommends the federal Government to provide food and hygiene and cleaning materials to indigenous peoples, and to Sesai, which ensures the presence of Multidisciplinary Teams of Indigenous Health in all villages, without restrictions to lands not demarcated, to camps and to the areas claimed and retaken.

The omission of the State in its function of ensuring basic health care to indigenous peoples is also striking through the increased mortality of indigenous babies, which increased in 2019⁴⁰. With the end of the Programa Mais Médicos (More Doctors Program), after the exit of the Cuban doctors from Brazil, and changes in the management of indigenous health promoted by the Bolsonaro Government, this mortality rate increased by 12% (compared to 2018). Data from the Ministry of Health show that between January and September 2019, the last month with available statistics, 530 indigenous babies died less than one year of age.

36 Report Brazil with low immunity - Balance of the General Budget of the Union 2019, from the Institute for Socioeconomic Studies (Inesc).

37 In accordance with the report of Transparência Brasil "Federal spending to combat the covid-19 for indigenous peoples", published in June 2020

38 <https://cimi.org.br/pandemiaeos povos/#acampamentos-retomadas>

39 Recommendation no. 11/2020-MPF - MPF - 04/2020.

40 Data from the Ministry of Health obtained by BBC News Brazil based on the Law on Access to Information, source: After exit of the Cuban doctors, deaths of indigenous babies grow 12% in 2019 - G 1 - 02/03/2020.



The MPF⁴¹, the STF⁴², the Senate and the National Congress⁴³ recognize the high vulnerability of indigenous peoples to Covid-19 and the need for urgent measures to support the combat and protection. However, President Bolsonaro sanctioned with vetoes⁴⁴ the draft bill⁴⁵ that provides for emergency measures of protection to indigenous peoples, quilombolas and traditional communities during the crisis caused by the Covid-19. Among the presidential vetoes are the guarantee of universal access to safe drinking water, free distribution of hygiene and cleaning materials, disinfection of the villages and supply of hospital beds and ventilators for treatment of patients. The presidential vetoes were overturned by Congress and the executive power will have to comply with the emergency measures provided for in the Law sanctioned⁴⁶. In a technical note, the Associação Brasileira de Saúde Coletiva (Abrasco - Brazilian Association of Collective Health) and the Brazilian Association of Anthropology (ABA)⁴⁷ make an alert to the situation of food and food safety of indigenous peoples, indicating that it is already quite unfavorable and may be aggravated in the face of necessary measures of isolation of the communities in their territories during the quarantine period. The document points out a series of recommendations highlighting the guarantee of “permanent and stable access to culturally appropriate and healthy foods.”

41 Recommendation no. 11/2020-MPF Brasília: between the measures recommended to the Executive are the inclusion of indigenous peoples in the priority group for vaccination against influenza, the supply of food and hygiene products, the decentralization of resources and of bidding for the acquisition of material to combat and prevent the new disease, as well as the distribution of laboratory supplies such as PCR tests and serology.

42 STF cancels the effects of Bolsonaro's veto against indigenous peoples – Blog da Cidadania – 08/07/2020.

43 Bolsonaro sanctions, with vetoes, a project that provides for measures to try to protect indigenous peoples – G1 – 08/07/2020.

44 Vetoes to Draft Bill no. 1,142, of 2020 - The General Secretariat of the Presidency of the Republic, accessed on 31/08/2020.

45 DB 1142/2020 , Chamber of Deputies/ DB 1142/2020Senate: provisions on social protection measures for the prevention of contagion and dissemination of the Covid-19 in indigenous territories; creates the Emergency Plan for Confronting the Covid-19 in Indigenous Territories; provides measures to support the quilombola communities and to other peoples and traditional communities to cope with the Covid-19; and amends Law no. 8,080, of 19 September 1990, in order to ensure the inflow of additional resources in emergency situations and public calamity, approved by the Congress and the Senate.

46 Law 14.021/2020, Presidency of the Republic of Brazil.

47 Covid-19 and the food situation among indigenous peoples: recommendations for coping with the pandemic - ABRASCO and ABA - 17/04/2020.

Before the gravity of the facts and the omission on the part of the Government, APIB, along with 6 opposition parties, presented to the STF, at the beginning of July, a Claim of Violation of Fundamental Measure (ADPF)⁴⁸, with the objective of insisting that arrangements should be made by the State regarding the risk of genocide⁴⁹ of various ethnic groups as a result of the pandemic, the document filed with more than 80 pages backed by the Federal Constitution expressed the request to the Government to exercise its obligation to ensure the safety and health of indigenous peoples⁵⁰.

In response to the claim, the STF⁵¹ determined five measures to be adopted by the Federal government to contain the contagion and mortality among the indigenous population by Covid-19, like the planning of actions with the participation of the communities, the presentation of plans for containment of invaders and the virus itself in the reserves and the creation of sanitary barriers to protect indigenous peoples in voluntary isolation. It also determined guaranteed access across this population to the Indigenous Health Subsystem⁵².

! Recommendations 223, 227, 234, 236, 237, 238, 239, which deal with the protection of the territorial rights of indigenous peoples, the guarantee of financial resources to the FUNAI and for the protection of indigenous rights, are not being implemented, with an obvious setback in fulfilling their constitutional duty to protect the rights and indigenous territories.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 223. Guarantee the constitutional rights of Indigenous peoples including by ensuring the National Indian Foundation has the necessary resources to carry out its work, particularly relating to the demarcation of Indigenous lands, and take measures to conclude investigations into all killings of Indigenous Peoples.	Canada	16	○ ● ●
! 227. Strengthen coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the Brazilian National Indian Foundation.	Maldives	16, 17	○ ● ●
! 234. Ensure that indigenous peoples are protected from threats, attacks and forced evictions.	Norway	8, 16, 17	○ ● ●
! 236. Adopt an effective plan of action for the demarcation of indigenous lands and provide the necessary financial resources to ensure an effective policy for the protection of the rights of indigenous peoples and to prevent land-related conflicts.	Switzerland	9, 16, 17	○ ● ●
! 237. Continue its process of demarcation of indigenous lands.	Peru	16	○ ● ●
! 238. Take necessary measures to resolve and prevent conflicts related to land issues and to complete the land demarcation processes deriving from Article 231 of the 1988 Constitution.	France	8, 16, 17	○ ● ●
! 239. Speed up through executive action the processes of demarcation and protection of the lands of indigenous peoples and protect their respective rights.	Cabo Verde	9, 16, 17	○ ● ●

48 Claim of Violation of Fundamental Measure ADPF 709/20.

49 ADPF 709: the indigenous voice against genocide - Direct use of the concentrated control of constitutionality represents a milestone in the defense of indigenous rights - JOTA Opinião e Análise - 08/07/2020.

50 Among the emergency measures, the claim asks the STF to determine to the Federal Government: the installation of sanitary barriers in more than 30 territories where indigenous peoples are living in voluntary isolation or of recent contact; the withdrawal of invaders in 8 indigenous lands; assistance to all indigenous people by Sesai, including those in the urban context or inhabitants of territories not approved, and the drafting of a plan to confront the Covid-19 for indigenous peoples.

51 Preliminary Injunction in ADPF 709/DF. Rapporteur: Min. Roberto Barroso - STF - 08/07/2020.

52 STF cancels the effects of Bolsonaro's veto against indigenous peoples - Blog da Cidadania - 08/07/2020.

At least 287 indigenous lands in the process of demarcation and a further 528 lands claimed continue without any action from the State to start their demarcation⁵³. In the opposite direction, the State asserts the thesis of the timeframe⁵⁴, and articulates and promotes legislative measures that go against the constitutional guarantee of protection of indigenous territorial rights. By means of Draft Bill 2633/2020⁵⁵, of Draft Bill 191/2020⁵⁶ and of Normative Instruction 09/2020 of FUNAI⁵⁷, placed on the agenda in full pandemic, the Government proposes and supports amnesty to land grabbing and regulations on areas invaded, as well as the regularization of the exploitation of minerals and resources in indigenous lands, giving continuity to the attacks on indigenous territorial rights. In a scenario of isolation measures of indigenous communities to deal with the pandemic, these legal measures and the discourse of governments encourage the invasions and amplify the vulnerability of the communities. In spite of the indigenous groups remaining in their territories, invaders take advantage of this moment to occupy and invade their areas.

In accordance with the Articulation of Indigenous Peoples of Brazil (APIB), the situation is even more serious in the case of areas occupied by indigenous peoples in voluntary isolation, in which Normative Instruction 09 of FUNAI "is essentially a genocide, considering that there is evidence of at least 86 indigenous peoples in voluntary isolation and many of these are in indigenous lands not homologated"⁵⁸.

In the middle of the pandemic, indigenous land invasions bring the extra risk of contamination of villages and whole peoples. Emergency actions of ensuring non-intrusion and protection of indigenous lands are fundamental to contain and prevent the advance of the transmission of the Covid-19 in indigenous populations. The most extreme case, observed in the Yanomami Indigenous Land⁵⁹, demonstrates the total neglect of the Government in relation to the presence of intruders, where there is the presence of 20 thousand miners. Through the campaign "Miners Out Covid Out"⁶⁰ the Yanomami and Ye'kwéana indigenous organizations of this territory seek to sensitize civil society and pressure the Government to take emergency measures



53 Violence Report against indigenous peoples in Brazil - Data from 2018 - Conselho Indigenista Missionário (Indigenous Missionary Council)

54 Opinion 01/2017 of the AGU - which seeks to dramatically reduce the scope of the originating constitutional law of indigenous peoples to their lands traditionally occupied, to establish that they only have the right to these lands as long as they were physically in possession of them on the date of promulgation of the Federal Constitution of 1988.

55 Draft Bill 2633/2020 - Chamber of Deputies.

56 Draft Bill 191/2020 - Chamber of Deputies, of authorship of the Federal Government.

57 FUNAI NORMATIVE INSTRUCTION No. 9, OF 16 APRIL 2020.

58 PUBLIC NOTICE: AGAINST THE MISLEADING ACCUSATIONS OF FUNAI - Articulation of Indigenous Peoples of Brazil - 06/05/2020.

59 Coronavirus reaches Yanomami Land in RR and infects 80 Indians; 'miners took it there', says chief of the board of Health - 10/07/2020.

60 Campaign "Miners Out Covid Out".

to ensure non-intrusion and protection, in a territory where there have already been confirmed, at the end of June, two murders of Yanomamis by territorial conflicts during the pandemic⁶¹. Imazon released on 22 June the Bulletin of Protected areas more threatened and pressured in the Amazon⁶² region, where the Yanomami Indigenous Land appears in first place and registered 72 occurrences of deforestation.

Facing this scenario, the Inter-American Commission on Human Rights (CIDH) of the OEA issued on 20 July the Resolution 35/2020, with Preliminary Injunction, recognizing the serious and imminent risk of irreparable damage to health, life and personal integrity of members of the Yanomami and Ye'kwana ethnic groups due to the continuous invasion of miners in their ancestral lands, and the failures in the management of indigenous health, demanding the Brazilian State to take urgent measures to prevent serious violations of human rights from being committed⁶³. In 2019, in accordance with Ibama, the illegal deforestation caused by mining hit a new record: 10.5 thousand hectares of forest came down, an increase of 23% in comparison to the previous year⁶⁴.

In a technical note⁶⁵ the Coordination of Indigenous People Organizations of the Brazilian Amazon Region (COIAB) warns that the rights guaranteed to indigenous peoples by the Federal Constitution have not been applied and that, in the opposite direction of the recommendation to guarantee the territorial demarcation and protection, the speech and positioning of the current Government violates this premise. The indigenous movement warns that it is imperative to resume the respect for indigenous rights and the processes of demarcation of their lands.

61 Yanomami fear "cycle of violence" after the murder of two Indians by miners in Roraima – Instituto Socioambiental – 26/06/2020.

62 Indigenous lands in the Amazon are Protected Areas that suffer the most pressure from deforestation, reveals Imazon – 22/06/2020.

63 Resolution 35/2020, Preliminary Injunction No. 563-20. Inter-American Commission on Human Rights – 17/07/2020.

64 In full pandemic, extraction of gold increases in the Amazon – Mongabay – 06/07/2020.

65 Technical Note: These are not just numbers, they are lives! The threat of covid-19 to the indigenous peoples of the Brazilian Amazon region – COIAB/IPAM – 19/06/2020.



! Recommendation 55, which deals with the climate policy and reduction of deforestation in the Amazon region, is not being implemented and shows evidence of setback.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
55. Continue its efforts on the implementation of the National Policy on Climate Change on reducing deforestation in the Amazon region.	Ethiopia	16	○ ○ ●

The National Policy on Climate Change (PNMC) formalizes the voluntary commitment of Brazil to the United Nations Framework Convention on Climate Change to reduce greenhouse gas emissions⁶⁶. With this aim, measures are planned for the forestry sector that include zero illegal deforestation and restoration and reforestation of 12 million hectares of forests by 2030⁶⁷. However, the current Federal Government, which tried, at the beginning of its mandate, in 2019, to extinguish the Ministry of the Environment and withdraw Brazil from the Paris Agreement (COP21/2015), carried out a **restructuring in the entity redistributing roles to other ministries and promoting a dismantling of policies to reduce deforestation**, whose reflexes are perceptible in the alarming increase in the rates of deforestation, verified by the competent institutions.

The country did not even present a plan to implement the NDC from 2020 and its responsible entities have been extinguished⁶⁸. As well as the Climate Division of the Ministry of Foreign Affairs⁶⁹, whose Minister, Ernesto Araujo, propagates a negative discourse on global warming⁷⁰. The Amazon Fund was paralyzed after failing to comply with the agreement signed with the donor countries due to the increasing rates of deforestation in Brazil⁷¹ and the change of attitude of the new Government in relation to environmental policies has been widely noticed with concern by the international community. **The president still gave public and offensive statements claiming the sovereignty of Brazil in relation to the Amazon and confronting the heads of countries that have historically been important partners in combating deforestation in the Amazon.**

66 Brazil should not meet not even the less ambitious goal in climate – Observatório do Clima, 01/10/2019.
 67 Contribution Nationally Determined for Brazil - Ministry of the Environment (MMA).
 68 The Department of Climate Change and Forests, responsible until then for the National Policy on Climate Change, has been deactivated. The anatomy of the dismantling of socioenvironmental policies – Instituto Socioambiental -07/01/2019; Observatório do Clima.
 69 Itamaraty also deactivates a Division on Climate Change – Estadão – 10/01/2019.
 70 Ernesto Araujo denies global warming in a speech in the USA – Terra – 11/09/2019.
 71 After Germany, Norway also blocks contributions to the Amazon – El país, 16/8/2019.



In accordance with the **data of deforestation in the Amazon in 2019**, presented by the National Institute for Space Research (INPE)⁷², there was an elevation in comparison to the previous year of 34%, reaching the devastation of 10.1 thousand Km²⁷³. It is the highest ever percentage in this century and the highest rate since 2008.

The deforestation in indigenous lands grew 90%, encouraged by the speech of the president of opening these areas to mining and other economic activities. The indigenous lands most deforested were Cachoeira Seca, Apyterewa and Ituna-Itatá, in Pará⁷⁴, that were the target of an operation of the Ibama against mining and land grabbing this year – action which resulted in the resignation of the management of the supervisory body, which was fulfilling its mission of combating deforestation⁷⁵.

With the spread of the Covid-19 in the country, the invasion of miners within indigenous lands and conservation units represents a double threat: the contagion of indigenous peoples and traditional populations and the destruction of the forest, amplified by the proposals of flexibilization of the legislation by the Federal Government.

In April 2020, the highest rate of deforestation in the Amazon region in the last ten years was recorded from the initial data of two systems for the monitoring of deforestation: the System of Detection of Deforestation in Real Time (DETER), of INPE, of federal jurisdiction, and the Early Warning Deforestation System (SAD), of Imazon.



72 Inpe consolidates data and deforestation rises even more - Observatório do Clima, 10/06/2020.

73 Monitoring of Deforestation of the Brazilian Amazon Forest by Satellite - Taxa PRODES Amazônia - 2004 to 2019 (Km2) - Instituto Nacional de Pesquisas Espaciais (INPE).

74 Deforestation in indigenous areas increased by 90% in the Legal Amazon in 2019 - Globo Rural - 11/06/2020.

75 Salles exonerated Ibama's auditors after complaint of Bolsonaro, says MPF - Notícias Uol - 07/07/2020.

Even with different methodologies, the results are close, DETER indicated a high of 94% in rates of the Legal Amazon and SAD, an increase of 81%. These significant increases of deforestation rates result from the demobilization of the environmental policy in the country promoted by the current Federal government, which follows a policy of predatory exploitation of the Amazon in benefit of the productive sectors⁷⁶.

In August 2019, a group of public servants from Ibama issued an open letter to the president of the entity, Eduardo Fortunato Bim, denouncing the dismantling through which the federal agency is undergoing⁷⁷. The open letter, signed by 18 environmental agents, highlights some points such as the lack of structure, the closure of units, the absence of new competitions, the budget cutbacks, the destruction of environmental laws, the reduction of staff and relates these factors to the expressive increase of deforestation rates and wildfires, according to data already widely disseminated by INPE and NASA, with the risk of forest destruction⁷⁸. Also, INPE had its director, the internationally renowned scientist Ricardo Galvão, exonerated by president Bolsonaro, in August 2019, after the disclosure of data that pointed to the increased deforestation.

To meet the international pressure in relation to the protection of the Amazon after severe fires that occurred, in 2019, the Federal government reactivated and transferred, by means of Decree 10.239/2020, the National Council of the Legal Amazon, from the Ministry of the Environment to the vice-presidency. The new composition of the Board, however, 100% is formed by members of the Federal Government, ministers and the military, excluding governors, IBAMA, FUNAI, indigenous communities and civil society.

The dismantling of environmental policies and supervision reached such scandalous heights at the beginning of 2020 that twelve Prosecutors of the Republic asked the Federal Justice, on July 6, the removal from office of the minister of the Environment, Ricardo Salles⁷⁹. The MPF accuses the minister of administrative improbity, by what they consider the "willful disruption of structures for the protection of the environment", which resulted in the alarming increase of deforestation and can lead the Amazon Forest to a 'point of no return'.

76 Tragedy forewarned: organizations warn about the booming of deforestation in the Amazon Region – Instituto Socioambiental – 17/06/2020.

77 Ibama launches open letter with measures against the dismantling of the agency – O Eco – 17/08/2019.

78 The survey of INPE revealed that 78.4 thousand outbreaks of fires were detected between August and April 2019, 20% more than in the preceding period.

79 Federal Public Prosecutor asks for removal from office of the minister Ricardo Salles – G1 – 06/07/2020.

On August 6, a letter⁸⁰ signed by over 60 organizations and coalitions from civil society was delivered to the presidents of the Chamber and of the Senate, foreign investors and Brazilian and European parliamentarians with five emergency proposals to contain the crisis of deforestation in the Amazon Region:

- a moratorium of at least five years to cut the forest;
- the hardening of penalties for environmental crimes;
- the immediate resumption of the Control Plan of Deforestation in the Amazon (PPCDAm) – paralyzed in the Bolsonaro Government);
- the demarcation of indigenous lands, the entitlement of Quilombola territories and creation of 10 million hectares in conservation units; and,
- the restructuring of Ibama, ICMBio and Funai - dismantled and disarticulated by the current Government.

Recommendation 226 on indigenous rights guaranteed in economic activities is not being implemented.


RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
226. Ensure that the rights of indigenous people and respect of the environment and biodiversity are taken into due consideration in economic activities.	Holy See	11, 12	

Draft Bill 191/20⁸¹, proposed by the Federal Government, which defends the economic exploitation of indigenous territories and regulates the exploitation of mineral, water and organic resources in indigenous reserves, unlike the prerogative to ensure indigenous rights in economic activities, violates articles 231 and 232 of the Brazilian Constitution, Convention 169 of the ILO and international treaties. This draft bill, Bolsonaro’s promise since the election campaign, mischaracterizes the territories already regularized and gives indications towards the destructuring of policies of protection, removing the veto power of indigenous peoples with respect to the exploitation of their territories⁸².

80 Five emergency measures to fight the deforestation crisis in the Amazon - Observatório do Clima - 06/08/2020.

81 Draft Bill 191/2020 – Chamber of Deputies, of authorship of the Federal Government.

82 The Brazilian Association of Anthropology (ABA) in a footnote warns that this DB puts into question the demarcation processes and the Indigenous Lands already demarcated and denies the right to free, prior and informed consent (FPIC). National Indigenous Mobilization issued a note of repudiation highlighting that this DB reiterates Bolsonaro Government’s policy “of disrespect to the Democratic Rule of Law, to human rights, to the Federal Constitution and to international treaties that recognize indigenous rights”, contradicting the duty of the Federal government established by the Federal Constitution/88 to protect the indigenous territories.

In the same line, **recommendations 229, 230  , 231, 232, 233 and 240**, which deal with the **extension of the democratic participation of indigenous peoples in decision-making processes, are not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
229. Establish and implement a clear procedure for free, prior and informed consultation that would ensure full participation of indigenous peoples in the decision-making process regarding any major project impacting on their way of life.	Republic of Moldova	16, 17	
230. Guarantee adequate consultation and full participation of indigenous peoples in all legislative and administrative measures affecting them, protect indigenous people including indigenous human rights defenders from threats and attacks, and protect their land rights, in particular by strengthening protection programmers, completing pending land demarcation processes and providing adequate funding and capacity to the Indian National Foundation (FUNAI).	Germany	9, 16, 17	
231. Continue its efforts to establish effective consultation processes with indigenous communities with respect to any project that may affect the land or livelihoods of indigenous peoples.	El Salvador	16, 17	
232. Ensure an effective consultation process with indigenous peoples in all decision-making that might affect them.	Estonia	16	
233. Ensure indigenous peoples adequate consultation as well as full participation in all legislative or administrative measures affecting them.	Iceland	16, 17	
240. Advance with the agenda for the indigenous peoples' right to free, prior and informed consent.	Norway	16, 17	

There has been no progress in the agenda of democratic participation of indigenous peoples in consultation processes and decisions that affect them. On the contrary, as already indicated, the Brazilian Government, in 2020, intensified measures to attack the constitutional indigenous rights, without any prospect of entering these peoples in the processes of consultation and consent. An emblematic case was the appointment of former missionary Ricardo Lopes Dias to head the uncontacted Indian tribes and Recently Contacted, of the Directorate of Territorial Protection of the National Indian Foundation (Funai), given his relationship with the international evangelizing organization known for forcing contact with groups who choose to live in isolation⁸³. Such an act had expressions of outrage from members of Civil society⁸⁴, and a request by the Federal Public Defender's Office for FUNAI to explain such nomination.

83 Government appoints a missionary to head the uncontacted Indians – DW – 05/02/2020.

84 Note of repulsion against the appointment of the MNTB missionary to the isolated sector in Funai - Coordination of Indigenous Peoples Organizations of the Brazilian Amazon region, COIAB - APIB - 31/01/2020; and Press Release of the Union of Indigenous Peoples of Vale do Javari – APIB – 31/01/2020.



In the opposite direction of the recommendation of the CIDH that, in its resolution O2/2020⁸⁵, guided the Governments of the member States of the organization to refrain from promoting legislative initiatives or progress in the implementation of projects that may affect indigenous territories, in virtue of the impossibility of conducting Free, Prior and Informed Consultation processes during the pandemic, the Company of Planning and Logistics (EPL) proposed a virtual consultation through the internet, ignoring the Protocol of Consultation of the Munduruku peoples, seeking to advance in the finalization of the Environmental Impact Studies of the Indigenous Component (ECI) of the EF-170, a railroad that intends to install themselves in one of the most diverse and endangered regions of the Amazon.

With regard to the response from the Government in relation to the pandemic crisis, the STF⁸⁶ determined that the planning of actions of the Government to confront the Covid-19 should involve the public dialogs with indigenous peoples⁸⁷, revealing an institutionalized lack of consultation and dialog with indigenous peoples by this Government.

The scenario described above shows that the recommendations of the 3rd cycle of the UPR, in the themes of indigenous peoples and the environment, not only are not being met and taken into consideration by the Brazilian Government, but register numerous setbacks in the promotion of human rights of indigenous peoples in the country and in the guarantee of their territories and the environment.



85 Pandemic and Human Rights in the Americas - OEA - 10/04/2020.

86 We are obliged to oblige the Government not to let us die - Folha de SP - 30/06/2020.

87 STF cancels the effects of Bolsonaro's veto against indigenous peoples - Blog da Cidadania - 08/07/2020.

PRISON SYSTEM, COMBATING TORTURE AND PUBLIC SECURITY



With regards specifically to recommendations 32, 33, 34 and 58, they are considered partially implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
32. Introduce mandatory human rights training for police agencies, and implement an evidence-based policing programme, to reduce deaths from police action by 10 per cent over the universal periodic review cycle.	United Kingdom of Great Britain and Northern Ireland	16	
33. Implement human rights training programmes for the security forces, emphasizing the use of force according to the criteria of necessity and proportionality.	Italy	16	
34. Continue improving human rights education and training for enforcement agencies, public officials, and prison guards.	Malaysia	16	
58. Adopt a code of conduct based on international human rights standards in order to define specific conditions for the use of force by law enforcement officials during protests and riots.	Slovakia	16	

It is observed that the **training programs for the police had no significant** changes, which is why the situation remains virtually the same as reported in the Mid-Term Report delivered by Civil Society in 2019.

Although there is the thematic inclusion of human rights, this inclusion is not made independently and with critical approach, as well as there are no studies on the impact and effectiveness of this type of training in changing the conduct of police officers in their activities. Still aligned to this, the closure of the National Committee for Education in Human Rights, responsible for the implementation of the National Program of Human Rights Education with a specific area dedicated to the theme of education in human rights of public security agents, already in 2019, follows in the same situation, without any systematic action organized by the central authorities in the field of police training.

In addition to the points mentioned above, attention is given to the fact that violence was encouraged by federal and state authorities in the first year of their terms in office. **Regarding the period of emergency situation of the Covid-19 pandemic, no substantial changes were identified in the model of action of police forces.**

In addition, it reinforces positions which are present in society and express support for the idea that "a good criminal is a dead criminal" (which in March of 2018, 50% of Brazilians agreed with this statement and 37% opposed it, according to a survey by IBOPE) continue to provide cover for the practice of police violence against the civilians⁸⁸. Such violence also has a recurring pattern which is the structural and institutional racism, since the majority of deaths as a result of police actions is of poor black men⁸⁹.

88 Ibope: 50% of Brazilians think that 'a good criminal is a dead criminal' | Lauro Jardim - O Globo - 04/03/2018.

89 Even though there is no updated data for the period of the Pandemic, data from previous years demonstrate this reality. "Between 2017 and 2018, according to data compiled by the Brazilian Forum of Public Security, of the 6,220 records of deaths by police interventions that year, 75.4% were black people, which, according to IBGE data, this group represents 55% of the population. In addition, 99.3% were men and 77.9% of victims were between 15 and 29 years of age. The objective data is this: in Brazil, the police kills more blacks, men and young people". See The outcome of five emblematic cases of deaths by police in Brazil - Uol - 10/06/2020.

In the same sense, **recommendations 59 and 62**, which deal with the prevention and investigations into abuses committed by some agents responsible for the application of the law, **are partially implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
59. Strengthen measures to prevent abuses by some law enforcement officials, including through providing appropriate human rights training.	Rwanda	16	
62. Ensure investigations and recommend action against abuses by law enforcers, as a way of curbing violations.	Botswana	16	

The President of the republic sanctioned Federal Law no. 13,869, of 05 September 2019 (Draft Bill no. 7.596/2017)⁹⁰, which provisions on the crimes of abuse of authority and amends Federal Laws no. 7.960/1989, no 9.296/1996, no 8.069/1990 and no. 8.906/1994. Although sanctioned with vetoes, a good part of them was overturned by Parliament, so that most of the text approved by the Congress was preserved. Among the measures is the expression of "public servants and military or people similar to them" as those who are eligible as the "active subject of the crime of abuse of authority" (article 2).

The veto remained, however to the act of "executing the arrest, detention or search and seizure of a person who was not caught committing an offense or without the written order of the judicial authority [...]" (art. 11); "induce or entice a person to commit a criminal offense in order to capture them committing an offense, outside the cases provided by law" (article 26) and especially, "coerce, hinder or impede, by any means, without just cause, the pacific meeting, association or grouping of people for a legitimate purpose" (art.. 35), among others.

⁹⁰ See Law 13.869/19.

Now Recommendations **61, 63 and 64**, which focus on prevention and investigations on cases of violence committed by members of the security forces, **are being not implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
61. Conduct thorough, impartial, and timely investigations into all allegations of unlawful killings, abuse, torture, and corruption involving security forces and prison personnel.	United States of America	16	
63. Strengthen prevention and effectiveness of investigation of cases of police violence through improved supervision and human rights training of law enforcement personnel, namely the military police, and ensure accountability for any acts of police violence.	Czechia	16	
64. Ensure that acts of violence committed by members of security forces are prosecuted in order to combat impunity.	France	16	

It is important to note that the Parliament rejected the proposal of "exclusion of illegality" as a measure which would benefit police as part of the so-called Anti-crime Package (sanctioned as Federal Law no. 13.260/2019). However, the Federal Government insists on its approval and tries to do it with a new proposition, including as a way to contain social protests, which already provisions their use in operations of the type Guarantee of Law and Order (GLO)⁹¹.

The entities responsible for investigating the crimes of the police authorities exist, but this has not produced significant changes in their practices in order to sometimes generate results that corroborate rather than inhibit police violence.

⁹¹ Message no 596 of 21 November 2019 (Draft Bill no. 6,125/2019) and Bolsonaro sends to the Lower House the project that extends the qualified immunity.

With respect to Recommendations **70, 71 and 98**, on extrajudicial executions committed by the security forces, racial profiling and arbitrary arrest committed by security forces, **are not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
70. Refrain from resorting to violence and extrajudicial executions by the security forces, in particular the so-called “war on drugs”.	Bolivarian Republic of Venezuela	16	
71. End extrajudicial killings and associated impunity, including by passing draft bill No. 4471/2012, by abolishing the classification “resistance to arrest followed by death” and by ensuring that all deaths following police interventions are impartially investigated.	Germany	16	
98. Step up efforts to abolish the practice of racial profiling and arbitrary arrest by the police and security forces.	France	16	

Instead, there are records of increase of police violence. There are several records of this increase before and during a Pandemic. The Ombudsman’s Office of the Police for the State of São Paulo, in 2019, stated that the police had increased mortality by 12% with a total of 716 in 2019. Rota alone, the riot police, registered an increase of 98% with 101 deaths in 2019⁹².

In a report for the first quarter of 2020⁹³, which coincides with the period at the beginning of the Pandemic, in which 1,153 complaints were received, a slight reduction of 3% in comparison to the same period of 2018. However when you look at the ten main types of complaints, the modification is virtually non-existent, whereby the highest rate of

complaints in respect of the poor quality of service (210), followed by the request for policing (168) abuse of authority (143) and death as a result of police intervention (114), whereby the vast majority of them relating to the actions of the Military Police. The most serious thing is that in the month of April and May, in full Pandemic, the deaths caused by police action were, respectively, 116 (it had been 73 in 2019, an increase of 55%) and 71 deaths (in the same month of 2019 there were 67, an increase of 6%), and that the accumulated from January to May 2020 records 442 deaths⁹⁴.

In Rio de Janeiro, which is the epicenter of police violence in Brazil, in 2019, one in every three deaths was caused by the police, totaling 1,810 deaths, the highest since 1998, which is equivalent to 40% of the victimizations by police officers in all of Brazil occurring in Rio de Janeiro⁹⁵.

92 See ANNUAL REPORT ON THE RENDERING OF ACCOUNTS 2019 - Ombudsman’s Office of the Police for the State of São Paulo.

93 See 1st Quarter 2020 Report - Ombudsman’s Office of the Police for the State of São Paulo.

94 Deaths caused by police in SP have the fourth high in the year and reach 442 cases - Folha de São Paulo - 01/07/2020.

95 Police of Rio de Janeiro killed 1,810 people in 2019 - CESEC - 23/01/2020.



Study shows that there is no relationship between police violence and higher security or reduction of other types of violence. The Institute of Public Security did a study that concluded that, "in the 55 areas where there had been an increase of killings by police, the reduction was 15.2% of violent deaths - from 2,952 cases in 2018 to 2,503 in the past year. Now in the 82 areas where the police lethality fell, the drop in violent deaths was of 27.7% - from 2,228 victims in 2018 to 1,651 in the first year of the Witzel administration⁹⁶". According to the same Institute, 80.3% of the people killed in the actions of the police in the first half of 2019 in the state of Rio de Janeiro were black or of mixed race, while 54% of the population of the state declares they are black or of mixed in the IBGE census⁹⁷.

The incursion of police in slums and communities in the State of Rio de Janeiro occasioned, also the **Lawsuit for Violation of Fundamental Measure no. 635⁹⁸**, filed by political parties and supported by various civil society organizations in the STF, for which there is already a preliminary decision⁹⁹, which suspends the actions of the police during the pandemic. This action shows the seriousness of the problem, in view of the need for a lawsuit to enforce what should be fulfilled ex officio by the police authority. Since then, there has been a significant drop in police killings. In June, there were 72.5% fewer deaths and 50% less injured as a result of actions or shootouts within the period of one month. Approximately 30 lives have been preserved within the period of 31 days after the injunction verdict¹⁰⁰. The measure was made urgent by

the increase of police repression, which reached a record as we said at the beginning of the year. And with ADPF 635 the debate resurfaced about the demilitarization and also the need to understand how it would act out in practice. This is a historic measure advocated by popular movements and organizations of civil society.

Iniciativa Direito à Memória e Justiça Racial (Right to Memory and Racial Justice Initiative) conducted a study that indicates that the municipalities of the Baixada Fluminense in Rio de Janeiro, within 90 days of isolation due to the pandemic, the municipalities of the region had 105 police operations that resulted in 23 dead and 42 injured people. Plataforma Fogo Cruzado (Crossfire Platform) shows that in the first half of 2020 there were 558 shootouts/firearm shots only in the Baixada Fluminense (21% of the total number of shots made in the Metropolitan region of Rio)¹⁰¹.

Recommendations **72, 73, 74, 85, 87 and 88**, which deal with the institutional conditions for the prevention and combat to torture, are not being implemented and **today can be considered as a setback.**



96 Data contradicts Witzel: homicide fell more where police killed less - Uol - 05/02/2020. See also the study of the Public Prosecutor of Rio de Janeiro: "Police Lethality in Rio de Janeiro in 10 points" September 2019.

97 80% of those killed by police in RJ in the 1st half of 2019 were blacks and of mixed race, survey points out - G1 - 08/02/2020.

98 ADPF 635.

99 Minister Fachin determines suspension of police operations in communities of RJ during the pandemic - STF - 05/06/2020.

100 The numbers were raised by the Group of Studies of New Illegalisms of Universidade Federal Fluminense (GENI/UFF), based on data from the ISP.

101 IN 2020, 21% of SHOOTOUTS IN GREATER RIO WERE CONCENTRATED IN BAIXADA FLUMINENSE - Fogo Cruzado - 10/07/2020.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
72. Continue its efforts to combat torture and ill-treatment.	Algeria	16	
73. Intensify efforts aimed at combating and preventing torture and other forms of ill-treatment.	Georgia	16	
74. Establish a formal adhesion programme which includes the allocation of funds by the federal government to support the national policy on torture prevention.	Ghana	16	
85. Proceed with the enactment of legislation effectively implementing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at both state and federal level and adopt measures to adhere to the UN Nelson Mandela Rules.	Czechia	16	
87. Create local preventive mechanisms at each state level for effective implementation of the National Mechanism for the Prevention and Combat of Torture.	Turkey	16	
88. Ensure that Local Preventive Mechanisms are created by encouraging states to do so as envisaged by the national law on torture and expand the application of custody hearings to the entire country as set by Resolution 213 of the National Council of Justice.	Denmark	16	

Brazil created and installed the National System for Prevention and Combat to Torture by Federal Law no. 12.847/2013 (regulated by Federal Decree no. 8.154/2013), which include the National Preventive Mechanism and Combat to Torture (MNPCT) and the National Committee for Prevention and Combat to Torture giving a significant step toward the fulfillment of the constitutional responsibilities and international commitments (OPCAT Optional Protocol was adopted by Federal Decree no. 6.085/2007).

Such structures should also be created in the state spheres, in which it was implemented only in Rio de Janeiro (State Law no. 5.778/2010), Pernambuco (State Law no. 14.683/2012), Rondônia (State Law no 3.262/2013) and Paraíba (State Law no 7.413/2011). The structure is in the course of institution in the states of Alagoas (State Law no. 7.141/2009), Espírito Santo (State Law No. 10.006/2013), Maranhão (State Law no. 10.334/2015) and Goiás (State Law no. 19.684/2017), according to the 2018 Report of MNPCT . Or in other words, of the 27 units of the federation, only 14.81% have already deployed them and another 14.81% are in deployment, which means that only 30% of them have already done so.

Even though the Brazilian State has created this institutional structure, the current government has been dismantling its autonomy and impairing its operation to the point that, through Federal Decree no. 9.831/2019, it cut the payment of its experts, transforming those positions into volunteer positions among other changes. Civil society is organized and managed a judicial decision¹⁰² that requires the Federal Government to remunerate the experts, which was reinforced by opinion of the Subcommittee on Prevention to Torture of the UN in favor of the revocation of the Decree. However on 13 May, 2020, the Government published a notice for the selection of new experts without providing for their payment.

As a result, Recommendations **79 and 80** are also **not being implemented**, which deal particularly with torture in the prison system.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
79. Address the problem of severely overcrowded prisons to eliminate inhumane conditions and take all measures to prevent torture.	Turkey	16	○ ○ ○
80. Adopt without delay urgent measures to stop torture, violence, killings and serious overcrowding and degrading conditions in the prisons in Brazil.	Bolivarian Republic of Venezuela	16	○ ○ ○

Torture and other cruel, inhuman and degrading treatment are institutionalized practices in Brazil, racially organized, used systematically by the Brazilian State to obtain confessions and information, such as a form of punishment, or to impose fear and terror as a strategy of control over people and/or entire communities. **Torture in Brazil has as preferential target the black and poor population of the country, historically dehumanized and criminalized.**

Racist colonial practices of imposition of pain and fear are used in areas of deprivation of freedom, such as prisons, police stations and psychiatric hospitals, in the streets and slums by security forces, civilians and military, private security agents and paramilitary groups.

Being imprisoned in itself makes women and men victims of a process of dehumanization¹⁰³, given the unconstitutional state of affairs that mark the Brazilian prisons, already recognized by the Supreme Court (STF). If it wasn't enough, people arrested are still subjected to abusive and illegal use of force and security tools as instruments of torture¹⁰⁴, which shows a huge mismatch with the international parameters.

102 The Decree was, in the same year, the object of the filing of ADPF 607 by the Attorney-general of the Republic, as well as its suspension by the federal judge in the Public Civil Action no. 5039174-92.2019.4.02.5101/RJ, filed by the Federal Public Defender's Office, the injunction was still maintained by TF2 in decision of Appeal.

103 The result of the routines of mental and physical suffering imposed by the inhuman conditions such as overcrowding, unsanitary facilities, infiltration, lack of sunlight, rationing of water, inadequate diet represent the institutionalization of torture.

104 Reports on human rights organizations report on the use of pepper spray, firearms with baton rounds, tear gas, abusive use of handcuffs, and other incompatible practices for imposition of fear, punishment and control of the prisoners.

In accordance with the final report of the mission of Plataforma Dhesca Brasil, promoted in Altamira (State of Pará) in October 2019, after the massacre in the prison system that resulted in the death of 62 prisoners, one of the punishments most reported by the prisoners were the "baptized", which consists in the application of pepper spray to the entire body of prisoners, including the face and private parts.

MNPCT points out the concern with the performance of special groups of intervention in prisons, usually formed by prison officers or military police, who act in situations of crisis. They highlighted that reports of

torture and institutional violence in their work are recurrent and the indiscriminate use of pepper spreaders, teargas grenades, electroshock taser guns, and weapons with lethal and less lethal ammunition. The entity also identified humiliating treatment such as vexatious frisking of the prisoners and long periods of exposure to physically exhaustive positions.

! In respect to Recommendations **75, 76, 77, 81, 82, 83, 84, 89, 90, 91, 92, 93 and 103**, they continue not being implemented.

The situation described in the Mid-Term Report¹⁰⁵ has only got worse. Brazil continues to have the third largest prison population in the world. There are more than 750 thousand people cohabiting in dehumanizing conditions, characterized by the most diverse violations of human rights. Almost half of the prison population is composed of people who have not been sentenced and, therefore, are awaiting trial arrested provisionally and 65% of people arrested are black, this last data demonstrating the selectivity inherent in the activities of the State in all its repressive faces that stiffen their posture and their sentences to groups with a historical background of social vulnerability.

In the midst of the emergency situation caused by the pandemic, the overcrowding of prisons in Brazil, with a deficit of 303 thousand vacancies resulting in an occupation capacity of 171.62% is a key aggravating element for the life of both individuals arrested and professionals working in the prison system. This overload hinders the assurance of minimum conditions of health for people deprived of freedom¹⁰⁶.

¹⁰⁵ Mid-Term Report of the UPR Brazil Coalition - September 2019.

¹⁰⁶ Since there is no medical assistance, adequate ventilation, access to water for personal hygiene and for the cleaning of the spaces, distribution of basic hygiene items, medicines and adequate nutritional supply.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
 75. Continue taking measures aimed at improving the conditions in prisons and other detention facilities.	Namibia	16	
 76. Improve detention conditions, including basic sanitation and access to water, food and medical care.	Republic of Korea	16	
 77. Address overcrowding, sanitation, violence, and medical and psychological care in prisons.	South Africa	16	
 81. Working jointly with the Federal States to improve detention conditions in Brazilian prisons.	Algeria	16	
 82. Continue improving prison conditions and reducing overcrowding.	Angola	16	
 83. Ensure respect for and protection of human rights for all detainees including by guaranteeing detention conditions in compliance with domestic as well as international law and standards and by protecting against cruel and inhuman treatment.	Austria	16	
 84. Improve as quickly as possible the different aspects of prisoners' conditions.	Cabo Verde	16	
 89. Continue to make efforts to protect human rights of persons in detention facilities.	Holy See	16	
 90. Ensure conditions at detention centres comply with international and Brazilian law and that particular attention is given to conditions faced by vulnerable prisoners including pregnant women, children, and lesbian, gay, bisexual, transgender and intersex persons; and provide human rights training to officials in the legal and judicial system.	Ireland	5, 16	
 91. Enhance efforts to reform the prison system and to ensure the protection of the human rights of all detainees.	Italy	16	
 92. Take measures to improve conditions related to treatment of inmates within prisons, through increasing the capacity as already initiated by the Government and through measures for maintaining order within prisons.	Japan	16	
 93. Take necessary measures to increase the number of gynaecologists in the Brazilian prison system.	Sweden	16	
 103. Continue its efforts on further improving the judicial system with practical measures.	Azerbaijan	3, 5, 17	

This unhealthy situation, in addition contributes to the worsening of preexisting diseases, and also creates an environment conducive to the proliferation of contagious diseases, which spread in an uncontrolled scale. According to data from the Ministry of Health and research of the Oswaldo Cruz Foundation (Fiocruz), the incidence of tuberculosis is 30 times higher in prisons¹⁰⁷. Among the main comorbidities in the prison system, there are also heart and respiratory problems, diabetes, which increases even more the amount of people arrested as part of the risk group for the coronavirus. Stressing that such deficiency in ensuring access to health makes particularly complex the diagnosis of diseases in the prison environment¹⁰⁸.

The scenario described above shows that Brazilian prisons perpetuate immeasurable violations of rights, which intensify even more in the context of a pandemic. The absence of measures to prevent the uncontrolled spread of the Covid-19 inside prisons is progressively culminating in the death of people deprived of freedom. In accordance with data collected by the CNJ with the State Governments, there has been an increase of 800% in the contamination rates in prisons since May, reaching more than 2,200 cases at the beginning of June¹⁰⁹.

The situation becomes even more critical with the finding of the National Penitentiary Department that **within the walls of the prison the lethality of the Covid-19 is five times that that afflicts society¹¹⁰. In addition, the first death within prisons occurred**

nine days after the first confirmed case, while in the general population it occurred 20 later. I.e., inside the prison people die almost twice as faster than outside.

It is necessary to point out that the data and public information on the prison system and the people who compose it are being published inaccurately and out-of-date, which makes the situation of people arrested, family members, professionals of the prison system and all of those collectivity affected by the current pandemic even more serious. In addition, the testing of people deprived of freedom is negligible, confirming the existence of a problematic underreporting of the contagion within the Brazilian prison system.

For all of the reasons given above, in this historically tragic time, especially for those people who are most marked by inequalities and social oppression, organizations and institutions of Human Rights wrote an Urgent Appeal to CIDH denouncing and making recommendations in respect of the most serious violations faced by people who are in Brazilian prisons during the pandemic: the absence of the right to health, the barriers to claims of freedom, the non-communicability, the rebellions, increasing deaths and the proposed use of containers to allocate people who join the prison system¹¹¹.

107 Prisons have 30 times more cases of tuberculosis - Fiocruz - 26/03/2007. Incidence of tuberculosis in prisoners is 30 times higher than in the general population - O Globo - 30/03/2018.

108 31% of prison units in the country do not provide medical assistance - Folha de São Paulo - 30/03/2020.

109 CNJ renews Recommendation no 62 for over 90 days and publishes new data - CNJ - 12/06/2020.

110 Lethality of the coronavirus among Brazilian prisoners is the fifth recorded in the general population - Folha de São Paulo - 05/05/2020.

111 Complainants in the UN and OEA: Pandemic deepens genocidal policy of the Government in prisons - Uol - 23/06/2020

The recommendations 78, 106, 107 and 108 are not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
78. Take measures to reduce over incarceration, notably by encouraging the use of alternative sentencing and by making sure that pre-trial hearings are widely used.	Spain	16	
106. Ensure that legislation relating to the prison situation and criminal justice is in accordance with international human rights standards.	Mexico	16	
107. Improve judicial processes to minimize the length of pre-trial detention and speed up trials, and consider alternatives to detention to address prison overcrowding.	United States of America	16	
108. Plan and take concrete measures in the mid-term period with the objective of reducing pre-trial time for remand prisoners and reduce the overall number of prisoners awaiting trial rather than serving sentences.	Slovenia	16	

Regarding non-compliance with these recommendations, which deal with the reduction of the incarceration, despite the failure in the management of the crisis of the penitentiary health system, the Brazilian prison policy moves in the direction diametrically opposite to the determinations of the World Health Organization (WHO) and other international organizations, because it has not freed people who are at risk nor implemented measures to contain the spread of the virus. It is stressed that the recommendation of international agencies for the reduction of the Brazilian prison population does not occur only due to the pandemic. During the Universal Periodic Review (UPR), in 2017, Brazil made a public commitment to reduce by 10% the total number of people arrested until 2019, but it didn't.

On 17 March, the CNJ promulgated **Recommendation no. 62/2020**, which guides the magistrates to **reevaluate all the provisional detention of people who fall into the risk group for contamination by the Covid-19** and imprisoned for more than 90 days (art. 4, I), as well as complying with the “maximum exceptionality” for the enactment of new arrests. In addition, it determines the early egress of people of the risk group or who are in overcrowded units (art. 5), in addition to provision that new prisons would only be enacted in cases of crimes with violence or serious threat (article 8, I, “c”), among other measures aiming at freeing prisoners.

The aforementioned Recommendation was, also, an object of public support manifested by CIDH on 26 March, 2020, which also recognized as a good practice, among the recommendations of the CNJ, the reassessment of preventive detention exceeding 90 days and the adoption of preventive measures in overcrowded prison units. It is important to highlight that the Commission had already expressed the need to adopt measures to combat overcrowding of prison units in confronting the pandemic in its Resolution no. 01/2020, on "Pandemic and Human Rights in the Americas", which suggests, among other things, the reassessment of cases of preventive detention in order to identify those which can be converted into alternative measures to imprisonment, giving priority to those at risk.

Recommendation n°. 62 of CNJ was also disclosed by the Brazilian office of the United Nations Development Program (UNDP) as a good practice to various countries, and the European Office of the WHO has launched a guide with guidelines on the management of the pandemic in places of deprivation of liberty compatible with the propositions of the CNJ. The document also highlights that the pandemic may not be used as a justification for the removal of all fundamental safeguards incorporated in the Minimum Rules of the UN for the Treatment of Prisoners, the Rules of Mandela.

In spite of the many expressions of support and even international recognition of its importance, the violation of the guidelines established by Recommendation n°. 62 of CNJ by the Brazilian Judiciary has been systematic. Starting with the Ministry of Justice, who three days after the publication of the document, edited Interministerial Directive no. 5 that contradicts it.

Recommendations **94, 95, 96 and 97** are partially implemented, which deal with the conditions of imprisonment of pregnant women, lactating mothers or mothers with children under twelve.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
94. Incorporate the Bangkok Rules into public policies to protect female inmates and adopt bill 5654/2016 that prohibits the use of handcuffs before, during and after childbirth on women deprived of liberty.	Denmark	3, 5, 16	○ ● ○
95. Improve prison conditions, particularly addressing overcrowding and violence, including in prisons for women.	Australia	16	○ ● ○
96. Improve facilities dedicated to pregnancy and maternity in prisons, in line with the Bangkok Rules.	Thailand	16	○ ● ○
97. Strengthen prison reform efforts to protect female prisoners from sexual abuse and violence.	Bahamas	16	○ ● ○

According to articles 318 and 318-A of the Criminal Procedure Code¹¹², **freedom or, at least, house arrest should be the rule.** Despite the expressed legal provisions and the classification as risk group for contamination by the coronavirus, the STJ, continues to maintain even pregnant women, lactating mothers and those who have recently given birth arrested during a pandemic which spreads in the prison units¹¹³.

For this reason, and after the filing of the Collective *Habeas Corpus (HC)* no 143,641/SP by the Supreme Court, in which important decisions about the right of pregnant women and mothers were taken by Minister Ricardo Lewandowski, Public Defenders from all over Brazil filed a new injunction for a Collective HC with the STF, in favor of imprisoned pregnant women, lactating mothers and those who have just given birth, with a focus on freeing measures necessary during the period of the pandemic. However, in spite of the undeniable urgency of the situation, HC no.186,185/DF, distributed to Minister Luiz Fux on 27 May, 2020, since then is without any decision, even with regard to requests for injunctions.

112 Art. 318-A, was included by the Legal Framework of the First Childhood (Law No. 13.257/2016) and has as its objective to protect the right of the unborn child to a pregnancy away from the prison environment, and of the child to have proximity with the mother in such a critical stage of their development.

113 As is the case of the following Habeas Corpus cases in proceedings in the Supreme Court: HC no. 509.702, HC no. 532.585, HC no. 552.808, HC no. 560.791, HC no. 558.151, HC no. 561.422, HC no. 460.953 and HC no. 522.720.

Also in partial fulfillment are Recommendations **101 and 105**, which talk about the hearings of custody.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
101. Consider expanding application of the Custody Hearings Programme and make it feasible before all State Courts.	Serbia	16	
105. Expand custody hearing programmes to cover all pre-trial detainees by passing draft bill 554/2011. Provide specific training according to the Istanbul Protocol to judges and public prosecutors working in custody hearings.	Germany	16	

Due to the pandemic, the hearings were temporarily suspended by the aforementioned Recommendation 62 of the CNJ, and the judges resumed to making decisions on the release and the preventive detention in the former way, by analyzing the records of the arrest of the person caught in the act without direct contact with the people arrested and without their defense. What occurs is that, in this situation, due to the recommendation of social distancing, there should be efforts for measures to reduce incarceration, about which we have already discussed.

SDG 3 HEALTH



! Recommendations 152 and 153, which deal with public policies for health, services and health institutions accessible and of quality, are not being implemented.

The arrival of the Covid-19 pandemic to Brazil found that the country is structurally unprepared to respond to the emergency and its consequences. Sequential cuts in investment in health with the reduction in the budget forced by Constitutional Amendment 95/2016 (EC 95)¹¹⁴, calculated by the National Health Council in a loss of 30 billion reais in four years¹¹⁵, left the Sistema Único de Saúde (National Health System)

deficit in dealing with the new situation and to continue caring for other pathologies, many of them resulting from chronic non infectious diseases (DCNT).

According to the Instituto para Políticas em Saúde (IEPS - Institute for Health Policies), in April there was a deficit of 40 thousand beds in intensive care units (ICU), showing the size of the demand that the Covid-19 would impose on the public health system in the country. Several problems with the lack of protective equipment and ventilators endanger the stability of the response and care of patients.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 152. Continue efforts to develop and implement inclusive health and education policies to benefit all segments of society.	Nepal	1, 2, 3, 4, 5, 6, 11, 13, 17	○ ○ ●
! 153. Continue strengthening efforts for providing quality and accessible health facilities and services to improve the disparity in life expectancy among the populations.	Sri Lanka	3	○ ○ ●

114 Brazil. Constitutional Amendment 95, of 15 December 2016.

115 Health lost R\$ 20 billion in 2019 because of the EC 95/2016 - Conselho Nacional da Saúde - 28/02/2020.

The Federal Government was unprepared to deal with the emergency. It edited Provisional Measure 924/2020¹¹⁶ requesting 11 billion reais in additional credit for health, but withdrew the resources from the Fund for the Maintenance and Development of Basic Education (FUNDEB). Even so, six months after the beginning of the pandemic, two-thirds of the resources had still not been used, leaving the states and municipalities vulnerable financially to deal with the problem and making evident the lack of planning of the Federal Public Administration.

Add to all this, problems of sanitation and access to water, leaving millions of vulnerable people without even being able to increase the frequency of sanitizing their hands. Brazil continues without basic sanitation for the majority of the population, and only 30% of the sewage is even treated, resulting in a group of diseases related to this deficiency (diarrhea, dengue, chikungunya, and even the new coronavirus, which survives in feces).

The single program to remain intact for fear of negative political repercussions was the Bolsa Família (Family Grant), which also had a slight increase in 2019 with an additional 13th installment received by the beneficiaries, however not enough to constitute a variation above inflation. In addition, other special programs to reduce poverty and inequality, such as the Bolsa Verde (Green Grant), the Bolsa Gestante (Pregnancy Grant), and resources for the development of the quilombola communities were summarily eliminated (more information below)¹¹⁷.

The populations that were vulnerable before remain in a condition of vulnerability. The black population, women and young people are exposed to various levels of social vulnerability (food safety, violence, DCNT) and environmental (unhealthy housing, lack of basic sanitation)¹¹⁸.



! In the same direction following the non-implementation of Recommendation 154 on public health of quality, especially for women of African descent, the group with the highest mortality rate.

Also in the last 3 years, there was a blatant setback in reparation programs for the populations of African descent. A specific program aimed at low-income pregnant women, was completely eliminated as a result of the austerity imposed by EC 95. Coupled with the fact that unemployment has increased, as well as the informality in the employment market, which most affects the black population.

116 Provisional Measure no. 924, 2020 (Extraordinary Credit - Confrontation of the Coronavirus).


117 IV Relatório Luz (Spotlight Report) - 2030 GT Agenda - 2020.

118 Transparency Portal; IV Spotlight Report - 2030 GT Agenda - 2020.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
 154. Continue reinforcing the policy on effective and qualitative access to health services for vulnerable populations, especially women of African descent who still remain the group with the highest mortality.	Colombia	3	

It is worth pointing out that the **Bolsonaro Government completely eliminated all health policies focused on equity**. The then Minister of Health, Henrique Mandetta, on taking up office said that Brazil needed to rediscuss the principles of equity in health considering the need to better serve the poor. I.e., equity meant to him nothing else than to better spend the health resources and better spend supposedly meant focusing on the poor who need the system. With this, **the principle of universality [of the SUS] was a hindrance**. It was with this discourse that the ministry fully dismantled all the health policies focused on equity, including, but not limited to, policies for the Black Population¹¹⁹.

Recommendation 155 on attracting human and financial investments for the Public Health Service is not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
155. Pursue the human and financial investments in the health and hospital services with the aim of reinforcing the health system.	Morocco	3, 9, 17	

After statements by the then president elected in 2018, Cuba withdrew from the Mais Médicos (More Doctors Program), a partnership through the OPAS¹²⁰ which supplied the deficiency of doctors in small towns in Brazil. Today, people from rural areas and small towns are still unassisted, because the replacement program for medical professionals in the country (Médicos pelo Brasil - Doctors across Brazil), **filled around 75% of the vacancies, but with a high turnover and dropout**, in addition to several complaints from users due to the low quality of service¹²¹. Besides the dismantling of the previous program and unsuccessful attempt to refit it, the Federal Government also created the Agency for the Development of Primary Health Care. The Agency is nothing more than the entire outsourcing of all the basic care in the country, including, in addition, methods of control and evaluation of production of the professionals in the health units with goals and a list of available services. It is associated to this Decree 2979/2019¹²³, which deals with the new financing of primary care and of the Previne Brasil program, which deepens the **model of financing with substantial impacts on the quality of services, in the provision of services and on the availability of health professionals**.

119 Inauguration Speech of the Minister of Health, Luiz Henrique Mandetta - Blog da Saúde - 15/01/2019.
 120 OPAS/OMS Brasil.
 121 n three months, more than a thousand professionals withdraw from the Mais Médicos program; After failure to hire Brazilians, Bolsonaro will readmit Cubans in "Mais Médicos"; Brazilians replaced Cubans in Mais Médicos, but the dropout is high - Forum - 15/02/2020.
 122 Law No. 13958 of 2019, converted from Provisional Measure no. 890 of 2019.
 123 Decree no. 2,979, of 2019 - DOU.

Recommendations **156 and 157**, which provide guidance on the **inclusion of minority and vulnerable groups in the health system, continues and the continuity of coping with HIV/Aids are partially implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
156. Widen health care to vulnerable groups, in particular women of minority groups.	Republic of Korea	3	
157. Ensure continued effectiveness of strategies to combat HIV-AIDS, particularly among youth and other specifically affected groups.	Bahamas	3	

Brazil no longer has a program of AIDS response that it can be proud of, but maintains its continuity, in spite of the loss of protagonism in health policies, including administrative reform that has merged with other serologies. In addition to **repeating problems of shortages of antiretroviral treatment**, the country practically abandoned policies of prevention of HIV, with **disinvestment in policies for key populations** (reduction of projects and actions for protection of rights, budget and partnerships with civil society organizations), restricting the scope to generic advertising (not focused on the key populations) streamed around the Carnival; and radically hindering the development of a policy of sexuality education in schools.

With the ideological-prudish intensification related to the misunderstanding of sexuality, revealed by the false and obsolete narratives declared by the Government authorities, there has been an increase in hate crimes to the LGBTQIA+ population. The Stigma Index, disclosed by Unaid-Brasil for the first time, showed that 67% of PVHA suffered stigma and discrimination for their serology. Violence against LGBTQIA+ has always been present in our society, whereby Brazil is "the country which registers more lethal crimes against this population in the world¹²⁴". The result is the consistent growth in HIV infections in Brazil, particularly accelerating among young people¹²⁵.

124 Mendes, W.G, Silva, C.M.F.P. Murders of the Gay, Lesbian, Bisexual, Transvestite, Transsexual or Transgender Population (LGBT) in Brazil: A Spatial Analysis. Cien Saude Coletiva. 2020.

125 Transparency Portal; IV Spotlight Report (2030 GT Agenda - 2020).

Recommendation 159, which deals with the indiscriminate access to reproductive, sexual and comprehensive health services is **not being implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
159. Ensure universal access to comprehensive sexual and reproductive health services, without discrimination and in accordance with the commitments made, among others, in the Montevideo Consensus.	Uruguay	3	

The access to sexual and reproductive health services is part of the SUS, but there is a long list of problems of discrimination and stigma still present between service providers, mainly aimed at young women, the LGBTQIA+ population and PVHA. There was progress in curbing the vertical transmission of HIV in Brazil, and prophylactic prevention equipment (male and female condoms) are available in health centers free of charge, although this service is not much publicized and the shortage of supply of the female is recurrent, as a consequence of no training and dissemination program on its use among women . There are also issues of stigma and discrimination against people who are going to health posts to collect the material.

! Recommendations 160 and 161, which deal with access to voluntary interruption of pregnancy, **are still not being implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 160. Continue the commitments made in terms of access to the voluntary termination of pregnancy in order to ensure full respect for sexual and reproductive rights.	France	3	
! 161. Continue expanding access to voluntary termination of pregnancy in order to ensure the full recognition of sexual and reproductive rights.	Iceland	3	

Abortion in Brazil is legal only in three circumstances: if the pregnancy offers risk of life to the mother, if the conception was the result of an act of rape, or if the fetus is anencephalic. Attempts to broaden the legal guarantee for abortion have not progressed. An ADPF filed in the STF, in 2018, to ensure that pregnant women infected by Zika could have legal access to abortion was rejected¹²⁶. The recent Draft Bill 1.444/20, which sought to establish emergency measures of protection to women who are victims of domestic violence during a public health emergency due to the pandemic of the coronavirus, had eliminated the text which spoke about "sexual and reproductive health"¹²⁷ and Decree 2.282/2020 of the Ministry of Health, edited on 27 August¹²⁸ as a reaction to the case of a girl of ten (10) who became pregnant under chronic sexual abuse for four years, seeks to hinder the access to legal abortion for women pregnant by rape to require the filing of a police report to ensure the right.

Despite all this, according to the Spotlight Report 2020¹²⁹, Brazil undergoes a consistent process of data erasure, with the reduction of budget for the implementation of the national census. **In relation to the Covid-19, there is no disaggregated data revealing racial/ethnicity and income levels among the more than 4.3 million cases cataloged, and more than 131 thousand deaths until 15 September. The only data disaggregated by race/ethnicity of the epidemiological bulletin of the Department of Epidemiological Surveillance of the Ministry of Health is related to cases of hospitalization.**

Therefore, the path of recovery of public health in Brazil is arduous and long, because EC 95 and the Annual Budget Law (LOA) sent by the executive to the National Congress increases even further the policy of austerity, maintaining the deficit financing for the SUS in almost 40 billion reais, according to the calculation of the CNS.

126 STF considers lawsuit on abortion impaired in the event of a pregnant woman with zika - Conjur - 01/05/2020.

127 Draft Bill 1444/2020.

128 Ministry of Health. Decree no. 2,282, of 27 of August, 2020.

129 IV Relatório Luz (Spotlight Report) (2030 GT Agenda, 2020).

GENDER AND SEXUALITY



Recommendations 39, 40, 43, 45 and 196, which deal with legislation that sanctions the discrimination against LGBTQIA+ population, can be considered as partially implemented.

As a result of the progress achieved with the judgment of the Supreme Federal Court (STF)¹³⁰. This decision established that the crime of homophobia and transphobia are crimes of









discrimination equivalent to racism (Law 7.716/1989). The Court ruled that there was unconstitutional omission of the Federal Legislative on not editing the law that criminalizes homophobic and transphobic acts. So the legal provisions followed, although not in the Legislature, that pave the way to liberalization, inaugurated by the legalization of marriage between people of the same sex since 2011¹³¹.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
39. Take necessary measures to address homophobic and transphobic crime, including by establishing a system for recording such crimes.	Sweden	10, 16	
40. Take urgent measures to adopt legislation sanctioning discrimination and incitement to violence on the grounds of sexual orientation, and investigate and sanction cases of violence against lesbian, gay, bisexual, transgender, intersex and queer persons.	Argentina	10, 16	
43. Continue taking measures to develop legislation and policies at federal, state and municipal level to punish and prevent hate crimes and discrimination against the lesbian, gay, bisexual, transgender and intersex population.	Finland	10, 16	
45. Follow measures taken at the national level to ensure that municipalities in Brazil develop specific policies to guarantee rights of lesbian, gay, bisexual, transgender and intersex people.	Israel	10, 16	
196. Ensure the effective implementation of measures to prevent, punish and eradicate all forms of violence and discrimination against women and lesbian, gay, bisexual, transgender and intersex persons.	Mexico	5, 10	

¹³⁰ DIRECT ACTION OF UNCONSTITUTIONALITY BY OMISSION (ADO) 26 - STF.

¹³¹ ADI 4277/2011 - STF.

! Recommendations 37, 38, 41 and 66, which in general, focus on discrimination and violence perpetrated against the LGBTQIA+ population, are not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
 37. Take measures to eliminate cases of discrimination against certain groups in society.	Iraq	5, 10	
 38. Support initiatives and strategies to combat discrimination and promote the inclusion of vulnerable persons.	Madagascar	10, 16	
 41. Continue advancing the promotion of laws and initiatives that ban discrimination and incitement to violence on the grounds of sexual orientation and gender identity, in particular in the case of young persons and adolescents.	Chile	10, 16	
 66. Take measures to improve the situation of underreporting of cases of violence and discrimination against lesbian, gay, bisexual, transgender and intersex people, and develop policies to punish and prevent those actions.	Israel	10, 16	

The speech and the actions of the current Government openly condemn the advances that recognize the rights of this population. **The declarations of authorities increase their vulnerability to various types of violence**, among them the institutional. In accordance with Portal da Transparência and Siga Brasil, the federal investments for specific actions to combat homophobia started at just over R\$ 3 million in 2008 to R\$ 519 thousand in 2016 and, from 2017, were inexistent. **Until now, in 2020, there is no heading which benefits the LGBTQIA+ population directly. Nevertheless, transsexualizing treatments were suspended because they are not considered essential.** The only action taken by the Federal Government in this period, was the elaboration of a leaflet to the LGBTQIA+ population about care regarding the coronavirus¹³².

In addition, in the context of the Covid-19, the LGBTQIA+ population is more vulnerable to unemployment and depression. 21.6% of the LGBTQIA+ interviewed are unemployed, while the total index in Brazil is 12.2%, according to the IBGE¹³³.

132 Do you know what to do to protect yourself against the new coronavirus? - Ministry of Women, Family and Human Rights - 04/2020.

133 UFMG and Unicamp research indicates that LGBT population is more vulnerable to unemployment and depression due to the pandemic - G1 - 17/05/2020.

Recommendations **42, 44 and 49**, which guide on the training of security forces to avoid practices of racial bias or against LGBTQIA+ people, **are not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
42. Redouble the capacity-building efforts for all the security forces, aiming at avoiding practices of racial bias, or, directed, among others, against vulnerable minorities such as lesbian, gay, bisexual, transgender and intersex persons.	Colombia	10, 16	
44. Approve a specific law, in line with its international human rights obligations, that prohibits discrimination and incitement to violence based on sexual orientation and gender identity.	Honduras	5, 10, 16	
49. Continue taking active measures aimed at eradicating discrimination against Afro-Brazilian women based on their gender and ethnicity.	Namibia	1, 3, 5, 10, 16	

There is impunity from the Judiciary in relation to cases of racism, which are typified as racial injury and in their majority are archived, which results in disbelief from the black population in making any claims. Currently, the head of the Executive Power corroborates with his attitudes and public manifestations, **racism against the quilombola communities in Brazil**. Such conduct from public authorities and the tolerance from the justice system, have a **strong impact on the naturalization of racism within society and in public institutions.**

During the Covid-19 pandemic, there has been a growing concern for the most vulnerable communities of the working class, among them the black population and the indigenous people, especially women, who are part of the risk groups, while social subjects who, historically, have routinely been experiencing the difficulties given the lack of existing public policies on social inclusion¹³⁴.

134 Inequalities, black women and public policy in the middle of the pandemic - Geledés - 16/04/2020.

Recommendations **178, 183, 186, 187 and 188**, which deal with the implementation of the program “Women, Living Without Violence”, released in 2013, **are not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
178. Continue the efforts to implement the “Women Living without Violence” programme launched in 2013.	Russian Federation	5, 16	
183. Extend the “Women Living without Violence” programme, with particular attention to women and girls living in the countryside and to women and girls of Afro-Brazilian descent.	Belgium	5, 16	
186. Strengthen measures to eliminate violence and discrimination against women and girls, particularly in rural and remote areas.	Islamic Republic of Iran	5, 16	
187. Take measures to combat violence against women and children.	Iraq	5, 16	
188. Continue to adopt and implement effective measures to fight violence against women.	Italy	5, 16	

In 2019, the Ministry of Women, Family and Human Rights (MMFDH) was created, in the scope of the National Department of Policies for Women (SNPM). On the official page of the SNPM on the internet, **information to the population is not clear and accessible, preventing access to information, assessment and monitoring.** However, the lack of actions shows the **discontinuity of the Program, under the allegation that it has been reformulated.**

There was, in fact, a drastic reduction of investment under the pretext of reducing red tape and optimizing resources. Among the actions of the Program, would be the implementation of the Casa da Mulher Brasileira (House of Brazilian Women).

Although in the 2019 budget the sum of 13.6 million reais is earmarked for the maintenance of the Houses, the Transparency Portal of the Office of the Comptroller General informs that in 2019 the expenditure in the program was “R\$ 0” and that “this value equals 0.00% of the public spending”. The absence of the transfer of resources, in addition to failing to comply with the covenants signed by the Government with States and Municipalities, violates the principles of public administration (social function of the administrative contract, unavailability of public goods and services, administrative morality, continuity, reasonableness and efficiency of public services).

Therefore, there was **the abandonment of a public policy previously recognized for its adequacy and efficiency in dealing with violence against women**¹³⁵. In addition, new projects and campaigns implemented by the Federal Government denote a conservative bias and disjointed from the policies that guided the Program¹³⁶.

Of the R\$ 45 million available to the Ministry for actions against the Covid-19, only R\$ 2 thousand were spent until 26 May. 36% with payments to public servants, 20% for the administration of the unit/miscellaneous expenses and 12.71% for the investment on Ligue 180 (Call 180). The functioning of the councils for the promotion of racial equality and traditional peoples corresponds to 0.13% of the expenses so far. Nothing was spent on maintenance, implementation and walk-in centers for women¹³⁷.

! In this sense Recommendations 194 and 195, which guide on the increased focus on the implementation of existing public policies on combating domestic violence, also are not being implemented.

With the cuts in budgets mentioned above due to the change in federal public administration after the election of President Jair Bolsonaro, the Campaign "Commitment and Attitude by the Maria da Penha Law – The law is stronger", whose objective was to ensure the correct application of this Law, lost strength and visibility¹³⁸.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
194. Increase its focus on policy implementation to combat family violence, and in particular violence against women and children.	Australia	5, 16	○ ○ ○
195. Strengthen policies and programmes to address violence against women and combat child prostitution.	Indonesia	5, 16	○ ○ ○

135 In spite of the Houses of Brazilian Women having been referred to as priority public policies, of the 25 units that should have been delivered by the end of 2019, only 5 are in operation (Campo Grande, São Luís, Fortaleza, Curitiba and Boa Vista).

136 Examples: project "Abraça o Marajó" (Embrace Marajó), the campaign "Eu Respeito as Muié" (I respect women), the program "Salve Uma Mulher (Save a Woman) and the project "Women Escalpeladas" (Scalped Women). In this sense, MESECVI - Committee of Experts of the Follow-up Mechanism of the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Convention of Belém do Pará), has expressed its concern about the sexual exploitation of girls, teenagers and women in Marajó and considered that the justification of Minister Damares Alves for the violence they suffer (Damares justifies abuse of girls because they don't wear panties - Capital Letter - 07/25/2019) is an additional form of violence against them (The Committee of Experts expressed concern with the sexual exploitation of girls, teenagers and women in Marajó - MAILCHIMP). Given this background, the Minister proposed, in addition to donations, the creation of factories of panties in Marajó to combat the violence.

137 See: Notice MMFDH performs delivery ceremony of 200 days of Government (MMFDH- 19/07/2019); Transparency Portal; Too much talk and not enough money: ministry of Damares spends only R\$ 2 thousand with the more vulnerable during the pandemic (Gênero e Número - 28/05/2020).

138 Despite the continuity of the actions of the National Forum of Judges of Domestic and Family Violence against Women (Fonavid), of the Standing Committee for Combating Domestic and Family Violence against Women (Copevid) and the National Attorney General Council (CNPJ), which constitute important spaces for discussion, interaction, articulation and improvement of actions to guarantee the rights of women in situation of domestic and family violence.

! Recommendations 179, 180, 181, 184, 109 and 176, on efforts to combat violence against women, also are not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 109. Take further efforts in combating violence against women such as enhancing the trust in the judicial system, measures to prevent violence, and promoting services and networks for women in rural areas.	Spain	5, 16	○ ○ ●
! 176. Continue to implement new policies and expand the coverage and scope of existing ones, to better promote gender equality, in particular for women in the countryside and low-income families.	Singapore	5, 16	○ ○ ●
! 179. Pursue efforts to combat violence against women and promote the rights of women.	Sudan	5, 16	○ ○ ●
! 180. Continue efforts to combat violence, particularly against women.	Tunisia	5, 16	○ ○ ●
! 181. Take measures to stop violence that has cost the lives of more than five thousand women, and caused more than 500,000 rapes in the last year.	Bolivarian Republic of Venezuela	5, 16	○ ○ ●
! 184. Continue its efforts to combat violence against women and girls.	Egypt	5, 16	○ ○ ●

Previous studies have indicated that the **house is the most dangerous place for a woman and quarantine increases this reality**, since the majority of the acts of violence and femicides occurs precisely inside them. According to the Ouvidoria Nacional de Direitos Humanos (ONDDH - National Ombudsman of Human Rights) of the MMFDH, from the first to the second fortnight of March this year alone, there was an increase of 8.47% in the number of complaints registered¹³⁹. In the state of São Paulo, there was a **general increase of requests for protective measures in the period of the pandemic and a great increase of arrests in flagrante delicto, at 51%**. There is still a technical note issued by the Brazilian Forum of Public Security, which indicates the increase of femicide during the pandemic¹⁴⁰.

Thus, with the pandemic, **in addition to isolation and fear, unemployment and economic difficulties tend to put women in conditions of greater risk of violence**. As the systems that protect women and girls, including community structures, may be weakened or inactive in this context, specific measures should be implemented to protect them from the risk of intimate partner violence with the dynamics of the risk imposed by the Covid-19.

¹³⁹ The daily average between March, 1 and 16 was of 3,045 incoming calls and 829 complaints registered against 3,303 incoming calls and 978 complaints registered between 17th and 25th of the same month. (Source: Brazil. The Federal Government - Access on 09/09/2020)

¹⁴⁰ In Acre, the comparison of femicides in the first quarter of 2020, compared with 2019, shows a growth of 33%. In Mato Grosso, the femicides doubled. In Pará, the femicides grew by 187.5%. In Rio Grande do Sul, there was an increase of 73%. In São Paulo, it increased by 25%. In general, the cases of femicide grew 22.2% between March and April this year alone, in 12 states of the country, compared to last year. Source: Brazilian Forum of Public Security. Technical Note - Domestic violence during the Covid-19 pandemic, 16 April 2020. Access on 09/09/2020.

Recommendation 182, which deals with the prevention of deaths by domestic violence and increase of complaints in cases of rape, **is partially implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
182. Strengthen efforts to reduce gender inequalities including to prevent death resulting from violence against women, and to encourage increased reporting of cases of rape.	Bahamas	5, 16	

In addition to the data already mentioned in the previous evaluation, the end of the body of policies for women and the non-allocation of its own budget have led to a setback in the agenda of promoting gender equality. **The agenda of confrontation to femicide is currently linked to the agenda of public security, with setbacks in the field of prevention.** The change in legislation in relation to the legal action in the case of sexual crimes against human dignity (Law 13.718/18) is a strategy to expand the complaints in case of rape, but our assessment is that **without a genuine policy of access to justice for women, which guarantee a humanized and secure process, the measure tends to reduce the number of women seeking health care¹⁴¹.**

! Recommendation 185, which guides the combating of domestic violence and maternal mortality rates, in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women, **is not being implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 185. Combat domestic violence and high maternal mortality rates suffered by women, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women.	Estonia	3, 5, 16	

141 Complaints of violence against women have grown 9%, says minister - Agência Brasil - 02/04/2020.

The freezing of spending on health and education are examples of non-compliance with this recommendation. In 2019, there has already been a loss of R\$ 9.5 billion to the SUS, even in the face of a framework that combines a worsening of indicators, such as infant mortality and low capacity of the subnational entities to finance health services. **All of this alone in the first years of duration of a Fiscal Regime designed to last up to twenty years.** During the Covid-19 pandemic, with the overcrowding of hospitals and health system overloaded, the cuts of the SUS aggravate these conditions and make the access to health even worse¹⁴².

Recommendations 189, 191 and 192, which cover programs of professional training of justice on the rights of women are being partially implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
189. Strengthen its capacity-building programmes for judges and legal personnel on women’s rights and violence against women.	Thailand	5, 16	
191. Further strengthen mechanisms fostering prosecution of all perpetrators of sexual and gender-based violence.	Slovakia	5, 16	
192. Take measures to reduce the number of cases of violence against women and bring the perpetrators to justice.	Togo	5, 16	

The National Council of Justice (CNJ) has conducted training for professionals from the justice system and launched campaigns geared toward women in situations of violence during the pandemic. Its **Decree no. 70/2020** created a working group to draw up studies and emergency actions for women during the phase of social isolation. Among the tasks, the working group’s function is to submit proposals of judicial public policies that aim to modernize and give more effectiveness to the action of the Judiciary in assisting women in situations of violence that occurred during the social isolation. It also published Recommendation 67, for which the Courts of Justice admit record of occurrence, sending data and files (upload) and formulation of request for protective measures of urgency electronically (online), **to expedite and give effectiveness to the procedure.** It also recommended that the Superior Court of Justice (STJ), Courts of Justice and National Courts, in the hypotheses of dispatch of arrest warrants, release

142 Effects of EC 95: a billion dollar loss for SUS in 2019 - Brazil Debate - 24/09/2018.

permits and their enforcements, as well as any escape of investigated or imprisoned defendants, whether the woman is immediately advised by phone or by Whatsapp. **However, there is little dialog with the movements of women and these trainings, projects and campaigns do not count on external assessments in relation to the perspective adopted¹⁴³.**

Recommendation 190, which includes training for the police and development of protocols for assisting cases of violence against women, is also being **partially implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
190. Strengthen the capacity of police in cases of violence against women by expanding training and developing protocols to respond to cases effectively.	Canada	5, 16	

Recent changes to the Maria da Penha Law¹⁴⁴, sought to specialize the police services and expertise in the area of domestic and family violence against women, with the criminalization of noncompliance with the protective measures of urgency and the extension of police powers for immediate removal of the aggressor from the home. Also, the **institutionalization of evaluation protocols and risk management in the network has been an effort to ensure proper assessment of cases of greater risk for women**. But such measures pose the **central focus of coping with violence in the police**, which has been presented as spaces that often act in a discriminatory way in relation to women and **without ensuring the adoption of comprehensive measures of safety and care to women¹⁴⁵.**

In the same sense, **recommendation 193**, which deals with the development of shelters for women victims of abuse, is also being **partially implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
193. Follow up on the infrastructure of safe houses for abused women and make sure the legal framework is widely implemented and reaches women's reality.	Austria	5, 16	

143 Red Light (CNJ - 10/06/2020); Decree 70/2020 (CNJ - 22/04/2020); Distributed the first process in criminal eproc - Court of Justice - RS (NBR - 06/17/2020).

144 Law 13.505/17 ,Law 13.641/18 and Law 13.827/19 .

145 CNMP offers to society in the National Form of Risk and Protection to Life (FRIDA) - CNMP - 08/04/19..

As mentioned in another assessment, the country is not progressing in the implementation of the Houses of Brazilian Women. In the first half of 2020, only R\$ 5 million were disbursed from the budget of the Program. The prediction of the Secretariat is that the implementation of resources should be quicker in the second half¹⁴⁶.

Recommendation 177, which provides guidance on the adoption of law for the protection of vulnerable women, particularly housewives of low-income families, is being partially implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
177. Adopt a law to protect vulnerable women, particularly low-income housewives.	United Arab Emirates	5, 16	○ ● ○

This year the emergency aid was created, the benefit established by Law no. 13.982/2020, for informal workers, MEI, the self-employed and the unemployed **who are in situation of vulnerability due to the pandemic**. The aid is of R\$ 600.00 and for single mothers who live with their children to the value of R\$ 1,200,00. The text also gives priority to the mothers who are family heads in receipt of the benefit, **but there are several obstacles which hinder the access of the women to the aid**. Errors in the application, difficulties of access, queues in banks, frauds in the registration, among other problems, eventually deterring the receipt of the benefit.

In some cases, the change of registration is requested judicially, which demonstrates that there is no complete effectiveness. In addition to the difficulties of access to the benefit, **it had an initial term of three months, extended to a further two months and subsequently to the end of December, this last extension with a value of R\$300.00**. The Government also stressed that after this period there will be no more emergency measures and that the Federal government will focus on the approval of the reforms. Demonstrating neglect with the social vulnerabilities that will continue to affect women, especially of low income, after the period of the pandemic.

146 Budget allocated to the House of Brazilian Women grows more than 200% in 2020 - MMFDH - 23/06/2020.



Image: Envato

05 EDUCATION



Recommendation 149, which deals with the reduction of unemployment rates, strengthening the programs of vocational training, is **partially implemented**.

Since 2014, technical professional education of medium level (EPTNM) has grown mainly in the public network. However, this pace of expansion, of approximately 55 thousand registrations per year has been much lower than the 296 thousand per year needed to fulfill that foreseen in the National Education Plan - PNE, by 2024.

Its goal 10 establishes that at the end of the period covered by the Plan, 25% of enrollments in the modality of Education of Youths and Adults - EJA, are associated with professional education. If in 2014 the situation was already far from desired, with only 2.8%, or 101,714 of the 3,653,530 enrollments in this modality integrated to professionalization, what has occurred since then was the drop in this percentage to 1.6% of enrollments for the EJA¹⁴⁷.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
149. Continue efforts to reduce unemployment rates, including strengthening vocational training programmes.	Libya	4, 8	

Recommendations 151, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174 and 175, which focus on the improvement in the quality and financing of education, elimination of discrimination and promotion of an inclusive and intercultural education, are not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
151. Step up efforts to promote, in law and in practice, the inclusion of persons of African descent in the educational system and on the labour market by taking policy measures.	Honduras	4, 8	
164. Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024.	Israel	4	
165. Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status.	Japan	4	
166. Ensure adequate funding in implementing the National Education Plan, and undertake progress reports on its implementation to improve transparency and accountability.	Malaysia	4	
167. Pursue efforts aimed at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, in particular in rural areas.	Morocco	4	
168. Continue implementing high-quality intercultural education.	Peru	4	
169. Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030.	Peru	4	
170. Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education.	Turkey	4	
171. Continue the implementation of the education plan of 2014-2016.	Sudan	4	
173. Improve the quality of public education, particularly for those who live below the poverty line, particularly Afro-Brazilians, with focus on psychological health and integrating psychosocial elements in order to achieve a better learning environment	Haiti	1, 4	
174. Continue strengthening efforts to eliminate discrimination, including racial discrimination in education.	Indonesia	4	
175. Set up plans promoting inclusive education of ethnic minorities, which have high levels of school dropout.	Paraguay	4	

The equality of educational status among the black population and non-black progresses at a slower pace. The results show that there still remains a profound inequality in Brazilian society, especially in the school reality. Between 2018 and 2019 the budget for racial equality had a drop of 45.77%. In the period from 2014 to 2019, the fall of actual resources in this area was of 81%. This undermines even further the implementation of Laws 10.639/03 and Law 11.645/08¹⁴⁸.

Data from Pnad (Pesquisa Nacional por Amostra de Domicílio - National Research through Home Sampling) Continuing Education 2019, disclosed by the Brazilian Institute of Geography and Statistics (IBGE) reported that in 2019, 3.6% of people of 15 years or more of white color were illiterate (that is, they do not know how to read or write a simple note). Among black people or of mixed race, the rate was 8.9%. For Brazilians who are 60 years old or more, the percentage of illiteracy was 9.5% among white people; for blacks or of mixed race in the same age group, the rate reached 27.1%.

Despite the constitutional bond, the **PNE** which, if met, practically would cover the recommendations of the UPR in education, **has appeared to have logic highly dependent on the determination of the Government to follow with its planning,** which has been hampered by the recurrent political and economic crises that Brazil has been suffering in recent years. Since the Dilma Rousseff Government, cuts had

already been made in the area and, in the Temer Government, the situation worsened. One example of this was already the repeatedly mentioned EC 95/2016, which lays down that the minimum spending on education should be equal to 18% of the Net Revenue from Taxes (RLI) having as reference the year 2017. The value was frozen at this level, only being readjusted by the inflation. With this, the minimum value for education will fall in the proportion to the revenues and GDP. Since the beginning of the austerity policies - in 2015, but worse from EC 95, it already accounts for a loss of R\$ 99.5 billion, of which R\$ 32.6 billion in 2019 alone.

With the policy of the Expenditure Caps also made impracticable the implementation of the **Custo Aluno-Qualidade (CAQi/CAQ - Student-Quality Cost)**, which provided for the increased investment in education and not its reduction. In addition, because the **CAQi/CAQ is a mechanism that binds the funding with quality parameters for basic education, such basic inputs were also not regulated and, much less, established and implemented¹⁴⁹.**

148 Research published in 2019 with data from Rio de Janeiro and Minas Gerais shows that 65% of respondents (directors, school counselors and teachers) said they did not know about the laws. This fact demonstrates that either the laws are not enforced and/or when they are, they occur through specific actions and/or projects related to commemorative dates, as already evidenced.

149 Census of Basic Education / INEP / MEC; PNE Balance - 2020 SAM Manual.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
152. Continue efforts to develop and implement inclusive health and education policies to benefit all segments of society .	Nepal	3, 4, 8	

Recommendation 152 was not implemented. It suggests efforts for inclusive education and health that benefit all sectors of the society. Regarding access to basic education, the best data available is brought about by the Demographic Census of 2010, produced by the IBGE. In that year, 82.5% of people with disabilities from 4 to 17 years attended school, which means that the right to education of 190 thousand disabled people was being denied. In addition to being outdated information, the data from the Census does not contemplate the populations with pervasive developmental disorders and with high skills or gifted. Once educated, it is crucial that students with special needs are enrolled in ordinary classes, i.e., along with all the other students. But in 2019, 7.8% of students with special needs were still in special classes.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
172. Increase investment in education infrastructure and promote the educational level in rural areas.	China	4	

Recommendation 172, which deals with the improvement of education in rural areas, is not being implemented.

The growth of average schooling in the field is not progressing enough and the goal of the PNE established for it also will not be fulfilled in the long term. The result shows that there still remains the uneven view for the less privileged portions of the Brazilian society, especially in the school reality¹⁵⁰.

According to the 2019 School Census, there was a reduction in the number of enrollments in rural schools of 145,233 students. Considering the sum of all the modalities of education there were 5,195,387 in 2018 against 5,050, in 2019. It is important to note the high number of rural schools that are being closed. With respect to full-time education, the 2019 School Census also shows that full-time education remains not so accessible to students in rural areas. In 2019, only 637,667 of 4,665,963 enrollments in Elementary and Middle Schools were made in this modality, which corresponds to 13.6% of the total.

150 Census of Basic Education / INEP / MEC; PNE Balance - 2020 SAM Manual.

Recommendation 67, which deals with Education in Human Rights (EDH) was only **partially implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
67. Ensure that all hate crimes against lesbian, gay, bisexual, transgender and intersex persons are thoroughly investigated and prosecuted and seek to reduce hate by integrating human rights education into school curricula.	Canada	4, 5	○ ● ○

Although Brazil has Plans and Guidelines¹⁵¹ to implement it, the current Government abolished the area of the Ministry of Education responsible for the portfolio¹⁵² and the National Committee of the EDH was dismantled. In the same way, the Ministry of Women, Family and Human Rights and Education withdrew the theme from the national political agenda.

151 National Plan for Education in Human Rights (2003-2006), National Guidelines of Education in Human Rights (2012).

152 Department of Continuing Education, Literacy, Diversity and Inclusion (SECADI).

RACISM, SETBACKS, INEQUALITIES, AUSTERITY AND RIGHTS



Recommendation 30, which deals with the strengthening of the legal and institutional framework for the promotion of human rights and poverty reduction and promotion of social equality, **is not being implemented.**

The governmental actions that hinder or conceal data had a negative impact on the right to information. The changes in the Law on Access to Information (LAI) affect the transparency of the Federal government and the social control of public administration. The veto to the provision, which forbade the public power of sharing with other public bodies or legal entities under private law, the personal data of applicants who use the LAI is another setback, since it constrains and creates uncertainty for those who wish to seek information from public bodies. The extinction, by means of Decree no. 9, 759, of 11 April 2019, of federal bodies (concils, committees,

boards, working groups and others) reduced the civil society's participation in the elaboration and social control of public policies and considerably limits the interaction between the executive power and the various social and political players, since these mechanisms have been implemented since the Constitution of 1988 as a strategy for strengthening the democracy in the country. **The authoritarian political decisions of the current Government contradict fully the recommendations made, restricting the participatory democracy and justify the evaluation. It is important to note that the omission of data and the restriction of civil society's participation, organized or not, have an impact on the formulation of public policies and destroy the social control of the public administration, especially in the scenario of the Covid-19 pandemic¹⁵³.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
30. Continue with the commendable efforts to strengthen the legal and institutional framework for the promotion and protection of human rights and to reduce poverty and promote social equality.	Bhutan	16, 17	

Recommendation 50, which guides on the strengthening of the socioeconomic development, with a focus on the eradication of poverty, **is being partially implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
50. Consolidate the progress made towards reaching the Sustainable Development Goals, and continue efforts towards inclusive socioeconomic development programmes with a focus on poverty eradication.	Islamic Republic of Iran	17	

All of the Sustainable Development Goals (SDGs) are at risk in Brazil. The lack of political will on the part of the Federal Government to assume the leadership to reduce the advancement of the Covid-19 pandemic, allied to the social isolation and the socioeconomic impacts that affect deeply the Brazilian development will have direct consequences on the implementation of the 2030 Agenda in the country. On 11 April, 2019, through Decree 9,759, the president extinguished all collective bodies, including councils and committees, which had not been created by law, among them the National Commission of SDGs, extinct on 28/06/2019. It is also alarming the fact that there was a political repositioning of the country with respect to this global action plan ratified by Brazil in 2015. The evidence is Veto no 61/2019 of the Presidency of the Republic, which excluded the pursuit of the objectives of the Sustainable Development Goals (SDGS) of the Pluri-annual Plan 2020-2023 (Law no. 13,971, of 27 December 2019). This article deals with the mechanisms for monitoring and evaluation of the SDGs and was the only article vetoed by the President of the Republic. In practice, the Bolsonaro Government’s message, **not to release part of the R\$ 6.8 trillion reais for the actions of the 2030 Agenda, is that this is not a priority for the Government**, and without adequate funding, the commitments made by the country are unlikely to be met.

! Recommendation 133, which deals with efforts to reduce the difference in income between Afro Brazilians, mainly women, **is not being implemented.** There was a reduction of budget in programs and reduced the budget to zero for the policy against gender violence. Reduction of budget for the Quilombolas¹⁵⁴

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 133. Redouble efforts to further reduce the income gap between the Afro-Brazilians, especially Afro-Brazilian women, and the general population.	Pakistan	1, 5, 10	

154 Transparency Portal, 2020.

! Recommendation 134, which deals with the elevation of the sustainable socioeconomic standard of living of the population **is not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 134. Continue to promote sustainable economic and social development and improve people's living standards.	China	1, 5, 8, 10, 17	○ ○ ○

During the period there was disinvestment in public policies, shutdown of important programs such as the Houses of Brazilian Women. In addition to the budget cutbacks in social programs, such as the program Bolsa Família (Family Grant), Minha Casa Minha Vida (Housing Program for the poor), Program for Strengthening of Family Agriculture (PRONAF) and barriers to the recognition and regularization of indigenous and Quilombola territories (MP 870) affect different segments of women in Brazil. With respect to the inequality of income, the difference between the wages of men and women began to increase, according to data from the Pesquisa Nacional por Amostra de Domicílios (PnadC - Continuous National Household Sampling Survey), 2019. In 2018, the difference was 26.9%, in 2019 it rose to 28.7%.

In the scenario of the pandemic, women are also the most affected. They are a majority in activities considered as non-essential, and even among the activities with male predominance, they were the most affected. Activities suspended on account of social isolation, reduction of workload that impacts the generation of income and an increase of the domestic work overload generated are some of the negative impacts for the life of women. There is also a high mortality rate among female health workers who are on the front line in the fight against Covid-19. There are also **important differences to be considered on the racial issue.** According to PnadC Covid-19, of the workers who are currently in home office, 16.2% are white women, 10.1% are black, and 8.5% are of mixed race, which reveals that black and mixed race women are more vulnerable¹⁵⁵.

¹⁵⁵ IBGE, 2020; IV Spotlight Report (2030 GT Agenda, 2020).

Recommendation 135, which deals with the enhancement of the Bolsa Família Program, is **being partially implemented**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
135. Continue to strengthen and improve the Bolsa Familia programme in the context of the fight against hunger and poverty	Pakistan	1, 17	

The Federal government **reallocated, during the pandemic, 83.9 million reais from the Bolsa Família Program to the Secretariat of Institutional Communication of the Presidency (SECOM) to be used to advertise actions of the Bolsonaro administration. This amount was originally intended for poor families and in extreme poverty.** It is worth noting that the measure directly affected the Northeast region, which is already having a reduction in the number of families served by the program, although it is the region with more cases of families in poverty or extreme poverty.

The reallocation of resources occurs at a moment in which there are still 400 thousand families in the queue for the program. In 2019, the Federal government released an extra salary for the beneficiaries of the Bolsa Família, however, made it clear that in 2020 the sum earmarked for the program would be lower and announced that it would also change the screening process of the beneficiaries of the program, **which led to an increase in the exclusion of families served by the program.**

With the arrival of the Covid-19 in Brazil and the worsening of the economic crisis, one of the governmental actions was the implementation of the emergency aid, approved by the National Congress at a higher value (R\$ 600.00) than that proposed by the Federal government (R\$ 300.00). This aid was initially approved for three months and subsequently extended for a further two months (two more installments). After the payment of five emergency aid installments at the value of R\$600.00, the Federal Government announced, on 1st of September, the extension of the payment until December 2020, but with the sum of R\$ 300.00. It also stressed that after this period there will be no more emergency measures and that the Federal government will focus on the approval of the reforms.



In a scenario in which all the indicators point to one of the worst economic crises in Brazilian history with high rates of unemployment, precarious working conditions, increased poverty and misery, the strengthening of the Bolsa Família program, important social policy for poverty reduction, it would be strategic, because in terms of the GDP, it corresponds to only 0.5%¹⁵⁶. The Federal government has already announced that it intends to replace the Bolsa Família Program with the Programa Renda Brazil, but until now no public details have been given of the program that is the social commitment of the Bolsonaro Government.

! Recommendation 140, which provides guidance on measures to combat poverty and social inequality, through the implementation of rural development plans involving vulnerable groups, particularly women in rural areas, is **not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 140. Continue measures to combat poverty and social inequality by implementing rural development plans covering vulnerable groups, in particular rural women.	Sri Lanka	1, 2, 4, 5 6, 10, 11	○ ○ ●

The dismantling of the Food Acquisition Program (PAA), of the Programa de Cisternas (Cistern Program), the non-fulfillment of the National School Meal Program (PNAE) directly affect a significant portion of the rural population in poverty, and specifically, the different segments of rural women (indigenous peoples, quilombolas, extractive industries, traditional communities, etc). To dimension the negative effects of governmental actions an example is the Brazilian Semiárido, which represents 12% of the total area of the country (9 federal units, 1,262 municipalities) and has more than 27 million inhabitants (12% of the Brazilian Population)¹⁵⁷. The largest part of the Semiárido is located in the Northeast region of the country, occupying 85% of the area. More than half of Brazilians (59.1%) in a situation of extreme poverty are in the Northeast. Of these, over half (52.5%) live in rural areas. **It is important to highlight that President Bolsonaro vetoed the inclusion of the rural workers as beneficiaries of the emergency aid. The setbacks and dismantling of public policies that directly or indirectly impact the rural development, and especially the Northeast region, precludes the fight against social inequality and the fight against poverty¹⁵⁸.**

156 Transparency Portal, 2020.

157 In accordance with the Superintendencia de Desenvolvimento do Nordeste (SUDENE - Superintendence of Development of the Northeast).

158 IV Spotlight Report - 2030 GT Agenda - 2020.

! Recommendation 148, which deals with the strengthening of the social security system is **not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 148. Further strengthen the social security system and effectively protect the rights of vulnerable groups.	China	1, 3, 4, 5 6, 7, 8, 11, 16	

Vulnerable groups is a concept that brings together diverse populations, since the population in general vulnerable to the evils of smoking and unhealthy food to specific populations such as indigenous, quilombolas, LGBTQIA+, and women and girls, for example. Constitutional Amendment 95/2016 of the “spending ceiling” (EC 95) stagnated by the investment in human development (health, education, social assistance, poverty reduction), including substantial reduction of investment in education, including science and technology. Since 2017, there has been stagnation in the allocation of resources to these areas, with a significant decrease in the budget for education, having a reduction of 17.6% of the value in 2015 compared with 2019, a reduction of more than twenty billion reais¹⁵⁹.

! Recommendations 139, 141 and 221, which deal with the strengthening of public policies, equal access of Afro-Brazilians to policies for poverty reduction and social rights, **are not being fulfilled.**

The 2034 Program, Promotion of Racial Equality and Suppression of Racism suffered a decline of 80% of their spending between 2014 and 2019, going from R\$ 80.4 million to R\$ 15.3 million, as a result of EC 95. In 2019, the budget drop of this program was 45.7% in comparison with the previous year¹⁶⁰.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 139. Continue to implement and strengthen public policies and programmes for inclusion, reduction of poverty and inequality, non-discrimination and promotion of equality and inclusion.	Nicaragua	1, 2, 4, 5, 16	
! 141. Implement further measures to address the problems related to poverty and socioeconomic inequality in respect of regions and vulnerable groups of the population, such as rural residents.	Uzbekistan	1, 2, 4, 5, 10, 16	
! 221. Ensure the equal access of Afro-Brazilians to poverty reduction policies and social security benefits as a means of protection of their fundamental rights.	Botswana	1, 2, 4, 5, 10, 16	

159 IV Spotlight Report (2030 GT Agenda, 2020); Transparency Portal

160 IV Spotlight Report - 2030 GT Agenda - 2020.

! Recommendations 46, 47 and 48 continue not being implemented, which focus on strengthening the policies for the prevention and punishment of discrimination of racism, violence against indigenous peoples and against children. Also in combating violence against children, indigenous peoples and Afro-Brazilians in a full and intercultural perspective.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 46. Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls.	Rwanda	1, 3, 4, 10, 16	○ ○ ●
! 47. Strengthen policies related to the fight against discrimination against indigenous and Afro-Brazilian children and others in vulnerable situations from an integral and intersectoral perspective.	Chile	5, 10, 16	○ ○ ●
! 48. Further promote ethnic and racial equality, building on the important policy measures already taken.	Greece	10	○ ○ ●

No measure or policy of prevention and punishment of discrimination against indigenous children and of combating violence against indigenous women and girls from an intercultural perspective was perceived. In the Final Document of the First National March of Indigenous Women in Brazil¹⁶¹, held from 09 to 14 August, 2019, in Brasília/DF, 2,500 indigenous women of 130 distinct peoples from all regions of Brazil warn that we must combat discrimination of indigenous peoples in the spaces of decision, especially of women, who are victims of racism and sexism. Through this document, the indigenous women reaffirm the “need for a specific legislation that combats violence against indigenous women, culturally oriented to the reality” of their peoples.

In contrast to these recommendations, the case of the Yanomami women in search of the missing bodies of their babies killed by Covid-19 in a hospital in Boa Vista/RR, which gained notoriety through a publication by journalist Eliane Brum¹⁶², reflects the disgraceful treatment received by indigenous peoples and the violation of their rights during the pandemic, aggravated in the case of women, as shown in the situation portrayed where they don't even speak Portuguese¹⁶³.



161 The final document March of Indigenous Women: "Territory: our body, our spirit" – Articulation of Indigenous Peoples of Brazil (APIB), on August 15, 2019.

162 Yanomami mothers imploring for the bodies of their babies – El País, on June 24, 2020.

163 The three Yanomami women were transferred in May from their village on the border with Venezuela on suspicion of pneumonia and during the health treatment their babies were infected by Covid-19, died and their bodies disappeared. The women also contracted the virus and continued the treatment in hospital, imploring for the missing bodies of their children. Despite being in the capital of the state with the largest indigenous population of the country, there was no translator for these women and nobody explained anything to them, they just took their children. A Yanomami leader who speaks Portuguese reports that it is possible that the babies were buried in the graveyard, but no concrete information on the part of those responsible was presented to the women and leaders before the case gained broad national repercussion, revealing the huge disrespect to these women.



In 2018, the Disque 100 (Dial for Human Rights/MMFDH) received 615 complaints of racial discrimination; in 2017 there were 921¹⁶⁴. Initiatives to promote racial equality, because they always had low resources. A study of INESC (2020) emphasizes that the theme has budgets on average of 0.08% of the General Budget of the Government (OGU), totaling all the amounts destined to the black population and quilombola community in various bodies, such as the Secretariat of Policies for the Promotion of Racial Equality (SEPPIR), Ministry of Agrarian Development (MDA), Ministry of Social Development (MDS), Ministry of the Environment (MMA), Ministry of Education (MEC) and the Ministry of Culture (MinC), among others¹⁶⁵.

Measures for the prevention and punishment to racism, protection of the heritage of Afro Brazilians, of rural development for vulnerable groups, access to programs and social benefits, implementation of more focused measures and reduction of social and economic inequalities for rural populations, are not being carried out.

President Jair Bolsonaro demonstrates his racism and lack of commitment with the execution of racial equality since the election process, moment in which he practiced racism against members of the Quilombola communities of the city of Eldorado (SP), comparing them to animals: "The lightest African descendant there weighed seven arrobas. They don't do anything. He can't even procreate any more. More than R\$1 billion per year is spent on them." At the same time he promised that, if elected, he would end all the indigenous and quilombola reserves in the country. His manifestations were the object of a complaint presented in April 2018, by the then Attorney General of the Republic, Raquel Dodge, but it was dismissed in 2019¹⁶⁷.

When he assumed the presidency in 2019, the President-in-office ratified the appointment of Sérgio Nascimento Camargo for the presidency of Fundação Palmares, an institution aimed at the promotion and preservation of cultural, historical, social and economic values of the black population. The new president of Fundação Cultural Palmares (Cultural Foundation) has demonstrated on several occasions conceptions and positions contrary to the principles of the portfolio under his responsibility, such as the fact of considering slavery beneficial for the blacks, denying racism, attacking and offending leaders of the Brazilian black movement, in addition to not maintaining dialog with representatives of the Quilombola communities¹⁶⁸.



164 Ministry receives more than 600 complaints of racial discrimination - MMFDH - 12/06/2020.

165 Brazil with low immunity – Balance of the General Budget of the Government 2019 - INESC - 23/04/2020.

166 'Not a centimeter for the quilombola community or indigenous reserve', says Bolsonaro. **Justifying**, accessed on 09/09/2020.

167 Brasil de Fato. Quilombola communities that were the target of Bolsonaro criticize the dismissal of the racism process. Accessed on 09/09/2020.

168 Correio Braziliense. President of the Palmares Foundation denies racism, and requests the end of the black movement. Accessed on 09/09/2020.

With respect to the protection of the heritage and guaranteeing the fundamental rights of vulnerable groups in rural areas, the National Coordination of Articulation of Rural Black Quilombola Communities (Conaq) in partnership with the organizations Terra de Direitos e Associação de Advogados de Trabalhadores (Land of Rights and Association of Lawyers of Rural Workers (AATR), **denounced the increasing violations suffered by the quilombola communities in Brazil, during the hearing of the 171st Period of Sessions of the CIDH, held in Bolivia in 2019. The complaints addressed the slowness of the processes of entitlement, the non-consultation to the people, and the threats to the life of the Quilombola population¹⁶⁹.**

In 2018, the CONAQ and signatory parties had already filed complaints with the CIDH. However, the non-execution of the rights of quilombola communities has worsened with the implementation of a policy of fiscal austerity by the Brazilian Government, which by means of EC 95 froze the direct spending mainly in the areas of education, health, and the promotion of family farming, accentuating the fragile existing public policies. The budget reduction impacts, automatically, the public policies that sought to ensure the rights of quilombola communities. Thus, the protection of human rights of quilombola communities, the entitlement of quilombola lands and permanence of quilombola students in Public Universities in Brazil, for example, are some of the policies that are severely impacted with the cuts promoted by the Federal Government.

The resources allocated in the Program Against Racism and Promotion of Racial Equality (2034) in 2019 were almost 60% lower compared to 2016 (from R\$ 46 million to R\$15 million), which undertook actions geared to sustainable development, the recognition and compensation for land regularization, in addition to attending the victims¹⁷¹.

The IBGE, calculates that the country had 5,972 quilombola villages in 2019, divided into 1,672 Brazilian municipalities, distributed as follows: 404 areas are officially recognized, 2,308 are called quilombola groupings and the remainder, 3,260, identified as other quilombola localities. Among the groups, 709 are located inside the quilombola territories officially demarcated and 1,599 out of these lands. **The populations of these territories were seriously affected during the pandemic, because with the isolation there was the suspension of activities of food production, tourism and community actions, which are important sources of income for the communities, which also suffered from the stoppage of institutional programs of food supply. This situation and the fact that they possess a significant population of elderly people who became more vulnerable with the Covid-19, the access to the Emergency Aid program, a benefit granted by the Federal Government for the population as a form of protection in the period of the pandemic was crucial for the quilombola communities.**

¹⁶⁹ Terra de Direitos (Land of Rights). Confronted in the international audience, the Government is evasive in response to violations of rights of quilombola communities. Accessed on: 10/09/2020.

¹⁷⁰ "After a year of the last communication, it should be noted that the Brazilian State has receded even more on enforcing the public policy of entitlement of the Quilombola territories. It decreased the budget for this purpose, has not hired more servers for the work, stopped the progress of the processes that are awaiting only the edition of decrees of expropriation and, as if that were not enough, through the INCRA, has acted in such a way as to pressure quilombola communities to accept illegal and unjust decreases in traditional territories to be entitled. In several situations, such as in cases of communities of Marambaia (RJ), Mesquita (GO), Kingoma and Rio dos Macacos (BA), Alcântara (MA), Serra do Apon and Maria Adelaide Trindade (PR), among others, the anthropological technical studies carried out by the INCRA indicate a certain perimeter as required for physical, social and cultural development of each community. However, the Brazilian State, without any study of technical feasibility, pressures the communities to give up significant parts of the territory delimited, reaching up to 80% of the original area, in the cases of Mesquita and Kingoma under arguments of high cost, to satisfy political

However, to prioritize access to the benefit from the digital channels, the public power disregarded the fact that the majority of the Quilombola communities have low coverage of access to the internet, in addition to facing difficulties with the locomotion¹⁷³.

The violation of the right to land is also performed by the State, as the situation experienced by quilombola communities in the state of Maranhão. The communities, despite occupying the territory for more than three centuries, has its permanence threatened since the signing of the Agreement on Technological Safeguards (AST), which provides for the cession of the base for launching rockets and satellites for the United States¹⁷⁴.

In the area of health, the crisis in quilombola communities due to the lack of assistance from the State worsened with the reduction of resources with EC 95, it was explained with the Covid-19 pandemic, which deepened historical problems that the quilombola communities face regarding access to health services, water and sanitation. The lack of actions related to the prevention of disease in the quilombola territories enhanced its transmission, added to the lack of testing, the underreporting of cases of transmission and deaths by health authorities, preventing the real dimensioning of the disease in the communities and the necessary protective action on the part of the departments of health.

As a reaction to the lack of care on the part of the State, Conaq in partnership with the ISA launched the Observatory of the Covid-19 in the Quilombola communities, whose monitoring revealed that until 19th August, 2020, there were 1209 cases monitored; 4,276 confirmed and 155 deaths, there is great possibility of underreporting, because many municipal health departments do not report when the transmission of disease and death occur between quilombola people¹⁷⁵.

interests, of mining, and of the armed forces, among others. In situations in which the communities are helpless regarding technical and legal support, but especially when they are not politically strengthened and organized in the struggle for rights, the pressure of the State is irresistible, and quilombola communities are forced to relinquish their land so that the processes of entitlement may continue to progress. There are many situations in which the State threatens the communities with a total stoppage of the processes of entitlement, if they do not accept the proposals to reduce the territories they will be entitled to." Source: Document presented to the Commissioner Margarette May Macaulay Rapporteur on the Rights of People of African Descent and against Racial Discrimination of the Inter-American Commission on Human Rights.

171 INESC. The public budget and rights of quilombola communities - INESC. Accessed on: 10/09/2020.

172 Agência de Notícias. Against Covid-19, IBGE anticipates data on indigenous peoples and quilombolas. Accessed on: 10/09/2020.

173 CONAQ. CONAQ ON THE EMERGENCY AID. Accessed on: 10/09/2020.

174 The state has the largest number of quilombola communities of Brazil, with nearly 200 communities, totaling around 22 thousand people, and who have experienced the threat of removal. In the month of March 2020, the Cabinet of Institutional Security (GSI), published in the Official Gazette (DOU), the Resolution 11/2020, which establishes guidelines for the expulsion and resettlement of about 800 families of 30 quilombola communities in the municipality of Alcântara (MA). Source: Rede Brasil Atual. Quilombolas of Alcântara threatened by loss of land and coronavirus. Accessed on: 10/09/2020.

175 The Covid-19 observatory in the Quilombola communities. Home | Quilombola communities without COVID-19; CONAQ; Covid-19 Pandemic exposes abandonment of the State with quilombola communities. Accessed on: 10/09/2020.

ADEQUATE URBAN HOUSING, CITY AND FOOD AND NUTRITION



Image: Envato

! Recommendations 136 and 137, on the expansion of access to adequate housing, especially for families of low and middle income, are not being implemented, and may even be regarded as in setback.

The main program developed in recent decades on the theme was "Minha Casa Minha Vida", formerly praised by its amplitude, suffered a brutal reduction of budget, especially in the range of income of the most needy, which led to its extinction and the launch by the Federal Government of the Green and Yellow House program. This program does not revise the construction of houses for ranges in which there are families with lower income¹⁷⁶, from 0-3 minimum wages and precisely where 90% of the Brazilian housing deficit. Important to add to this picture the extinction of the National Council of Cities, which prevents the social control of public policies. In addition, during the Covid-19 pandemic, the Brazilian State only suspended the collection of the installments of the MCMV program for families who are in Range 1 in the month of August/2020, having since the beginning of the pandemic, in contradiction, suspended payments of Range 2 and 3 of the program in which there are families with higher purchasing power. In the scope of the pandemic, the Brazilian State continues carrying out evictions and placing thousands of people in a situation of helplessness and exposure to the virus. The Zero Eviction Campaign in Defense of Life in the city¹⁷⁷ and in the field reported that 7 thousand families have been evicted since the beginning of the pandemic, i.e., March/2020, of which 12 thousand families have been threatened with eviction since then. The situation is so serious that it demanded the expressed manifestation by the Rapporteur for Adequate Housing of the United Nations in the perspective that Brazil puts a stop to the evictions¹⁷⁸.

	RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
! 136.	Strengthen the public policies to reduce the housing shortage and create conditions for access to affordable housing for middle- and low-income households.	Angola	1, 10, 11	
! 137.	Continue efforts to ensure adequate housing for all.	Bangladesh	1, 10, 11	

¹⁷⁶ Applied to Ranges 2 and 3, excluding Range 1 of the program. Between 2009 and 2013, 80% of the contracts of the program benefited families in Range 1, whose family income is lower (currently a family income of up to R\$1.8 thousand), according to data from the Fundação Getúlio Vargas. After this period, this percentage dropped to around 20% and, in 2019, there was no unit hired in this range, demonstrating the implicit end of the program. In addition, the housing deficit has grown, being currently estimated at 7.8 million units (data from 2019), with more than half of the demand is concentrated in the range of income of up to 3 minimum wages.

¹⁷⁷ Zero Eviction Campaign - Home

¹⁷⁸ About the deficit: Housing demand and multiplier effects (FGV, 12/2019); Data from FGV, stated in the article of Nexo (16/12/2019): The changes planned in the program Minha Casa Minha Vida; DOSSIER, THE DISMANTLING OF THE FEDERAL URBAN POLICY IN THE TEMER AND BOLSONARO GOVERNMENTS AND ITS IMPACTS ON THE CITIES (National Forum of Urban Reform, 2020). The UN expert calls for the end of evictions in Brazil during the crisis of the COVID-19 - UN Brazil (UN, 09/07/2020) . The Federal Public Defender calls for suspension of payments of range 1 of Minha Casa, Minha Vida (Infomoney, 04/07/2020).

Recommendation 145, which deals with coping with challenges of water and sanitation, is **being partially implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
145. Address challenges of water and sanitation in favelas by full implementation of the National Sanitation Plan.	Turkey	1, 10, 11	



The approval of DB 4,162, of 2019, on 24 June, will not contribute to the advancement of basic sanitation in Brazil. Access to water and sewage is a fundamental human right and, therefore, the proposal could create a **monopoly of the private sector in these essential services, which does not contribute to the much-vaunted universalization of access.** This is because the more needy areas of these services are in small municipalities, in rural areas and on the outskirts of large cities, areas where populations with low payment capacity of services live, therefore, incompatible with the need for profit sought by private companies and their shareholders. **The Brazilian portrait of profound social and economic inequalities, will not be equated by the increase of private participation in the provision of these services. But, by integrated public policies that consider the different dimensions of the deficit,** as characterized in the National Plan of Basic Sanitation (PLANSAB), and that **increase the**

commitment of the public sector with the offer of universal services, accessible to all, of quality and managed efficiently.

In relation to access to water and sanitation during the pandemic¹⁷⁹, it is essential to recognize that the populations who currently live in a situation of vulnerability will be triply affected: because they are more exposed to the risk of contagion, especially due to the living and working conditions; due to suffering greater consequences on contracting the disease, often due to health problems of pre-existing conditions, and due to suffering more directly from the impacts of the economic crisis associated with the pandemic. These groups need the existing public policies and state action to access rights, which becomes even more evident in this moment of crisis. It should also to be noted that, in terms of public health, there is not a line that separates the most vulnerable sectors from the others, i.e., the differential impact of the crisis in these groups equally affects all of society as a whole and, therefore, this prevention is of general interest.

179 Ondas Brasil Org. 10 measures that the Government needs to take in order to guarantee water for the poor during the pandemic - Accessed on 09/09/2020.





! Recommendation 146 on improving access to water and sanitation, especially in the North and Northeast of the country, **is not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
 <p>146. Take further efforts to improve access to water and sanitation, especially in the north and north-east of the country, through the effective implementation of the principle of equality, and to gradually reduce inequalities through the implementation of the National Sanitation Plan</p>	Spain	2, 3, 4, 6, 10	

The cistern program to capture rain water for consumption and production was stopped abruptly as from 2017, the program has provided access to drinking water to approximately 1.3 million families, water for production to around 200 thousand families and water for hundreds of schools. Its resumption is vital to universalize the cisterns of consumption among the families of the semi-arid, guaranteeing them a basic right of access to water for human consumption. In the case of basic sanitation, in which Brazil slowly advances, in particular the lower rates of sewage treatment are in the north and northeast regions. In the two regions only 21.7 and 36.2% of the sewage produced are treated, respectively¹⁸⁰.

¹⁸⁰ In Brazil, 16% of the population (35 million people) do not have a regular supply of water in their home. In addition, 47% of the population (100 million people) do not have access to sewage collection. (1) Basic sanitation advances in Brazil, but its progress is very slow in comparison to what it should advance. The most up-to-date data that we have on this issue are of the National Information System on Sanitation (SNIS/2018). According to the data of the SNIS less than half (46.3%) of the sewage generated in Brazil is treated, a reality that leaves more than 100 million people without access to the service in the country. (2) A study of Trata Brasil highlights also the performance of the 100 largest cities in the country compared with the national average. According to the analysis, these cities should boost the growth of the country, since they have better developed public and private structures and cover approximately 40% of the population of Brazil. However, the differences between the national indices and those cities are few. The rate of water loss is of 39.1%, against the 38.1% for the national. As to the treatment of sewage, the situation is better (54.3% of treated sewage, against 45%), but the pace was similar (an increase of 7.7 percentage points, against 7.4). (3) Survey conducted by Data Favela and Locomotiva estimate that the population living in slums totals 13.6 million people. The survey reveals that 89% of slum dwellers are in capitals and metropolitan regions. In these places the basic sanitation and access to drinking water do not exist or are very precarious. (4) Now on 24 June, 2020, the Senate approved the new legal framework of basic sanitation (DB 4.162/2019), which now goes for presidential sanction. The text extending the deadline to end the dumps, facilitates the privatization of the state-owned sector and abolishes the current model of contract between municipalities and state companies of water and sewage. Through the project, the contracts must commit so that universalization targets are met by the end of 2033: coverage of 99% for the supply of drinking water and 90% for sewage collection and treatment. The goal is to universalize basic sanitation in the country by 31 December, 2033. References: (0) Pandemic makes housing crisis in Brazil evident, but producing a suitable home for everyone is possible - and urgent (Uol, 08/05/2020); (1) Diagnosis of Water and Sewerage Services - 2018 (SNIS, 05/12/2019); (2) (Painel Saneamento Brasil); (3) Residents of slums generate high turnovers R\$ 119.8 billion per year (Agência Brasil, 27/01/2020); (4) Senate approves new legal framework of basic sanitation (Senate, 24/06/2020) Water and Sanitation in the scope of the pandemic: <https://ondasbrasil.org/>.

! Recommendations 217 and 218, on the rights of indigenous peoples, regarding food and basic sanitation, are not being implemented.

	RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
	217. Develop and implement policy to address child mortality, malnutrition, health, education and access to sanitation, of indigenous people.	South Africa	2, 3, 4, 6, 10,	
	218. Adopt effective measures to support Indigenous Peoples, including by ensuring food, health services, schools, and access to sanitary services and by creating conditions for higher incomes.	Russian Federation	2, 3, 4, 6, 10,	

The Food Distribution Program to Traditional and Specific Population Groups (Baskets), which includes indigenous peoples, the budget suffered a drop of more than 90% if we compare the budget approved in the Annual Budget Law (LOA) for actions related to Food Safety in 2014, 2019 and 2020¹⁸¹. Data from the Ministry of Health show that between January and September 2019, the last month with available statistics, 530 indigenous babies died under one year of age.

HUMAN RIGHTS AND COMPANIES



Recommendations 51, 52 and 53 that speak on the elaboration of a National Plan on Companies are **being partially implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
51. Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities	Netherlands	16	
52. Draft a comprehensive national plan of action on business and human rights, that would take into account the United Nations Guiding Principles in this regard.	Paraguay	16	
53. Draw up an action plan for business and human rights	Sierra Leone	16	

The Federal Government issued a normative with guidelines on the issue¹⁸² without public consultation or other openness for the participation of civil society. Not even the debates that already existed with institutions, such as the Federal Prosecutor of Citizens' Rights (PFDC-MPF) were considered, which had already drawn up a Technical Note¹⁸³ on the limits of voluntary standards on the situation of Brazil. Remembering that this debate was known by the Federal Executive, because the Ministry of Foreign Affairs, for some years, held open spaces with civil society, in which it claimed this binding nature. Important Public universities have also pointed out the limits of effectiveness in National Action Plans, which are one of the horizons pointed out in the guidelines¹⁸⁴. Thus, **although the Brazilian State has drawn up the guidelines, they do not respond to the phatic reality in the country.**

About the right of consultation, in 2019, after constant attacks by the Federal Government to the rights of indigenous peoples through Decree no. 10.088/2019 the government revoked the decree of Convention no 169 of the ILO¹⁸⁵. The Right to Prior Consultation, free and informed, is not being respected in Brazil, even though indigenous peoples, traditional communities and quilombolas have advanced in propositions like the Protocols for Community Consultation, the Brazilian justice still does not know how to enforce them, and finds weakness before large corporations.

The aforementioned Decree no. 9571/2018 does not represent the broad drafting of guidelines for the theme of human rights and companies, even though it is guided by the Ruggie Principles (or Guiding Principles), and, according to the study¹⁸⁶, is not appropriate to the reality of violation of human rights and business practice in Brazil. After all, it has a proactive and state-centric logic, which means that it deposits on the State all the responsibility and enshrines the Companies as "vectors of development". The methodology used in the construction of National Action Plans - NAP, reinforces this logic, and the plans that have already been analyzed have not shown any concrete result for the protection of human rights of the communities, which does not encourage the achievement of a NAP by the Brazilian State. Therefore, **it is argued that a regulatory ordinance may also impose obligations on companies, which is not the case of this decree.**

¹⁸² Brasil. Decree no. 9,571, of 21 November, 2018. Accessed on 09/09/2020.

¹⁸³ PFDC-MPF. Technical Note no. 7/2018. The repair and protection of human rights in relation to business activities. Accessed on 09/09/2020.

¹⁸⁴ ROLAND, Manoela C., FARIA JR., Luiz Carlos S., JÚLIO, Kaliandra Casatti, CASTRO, João Luis Lobo Monteiro de. National Action Plans on Business and Human Rights in Latin America: Analyses on Colombia, Mexico and Chile. In. Cadernos de Pesquisa Homa, vol. 1, n. 4, 2018. Homa Research Book National Plans. Accessed on 09/09/2020.

¹⁸⁵ See: Brasil. Decree no. 5,051, of 19 April, 2004 and Valor Econômico. Brazil has isolated vote in the ILO and threatens to leave the convention on indigenous peoples. Accessed on 09/09/2020.

¹⁸⁶ Criticism to the Decree: Analysis of Decree 9571/2018 Examining National Plans: National Action Plans Human Rights and Companies in Latin America: Contributions to the Brazilian reality. Accessed on 09/09/2020.

! The Recommendation 54, which deals with the efforts to punish those responsible for the collapse of the dams in Jacareí and Mariana, was not implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
<p>! 54. To further continue the efforts to punish those responsible for the breaking of the retaining walls in Jacarei and Mariana; and to ensure that the victims of this event are guaranteed their right to access to justice, and their right to fair compensation, remediation and reparations for the damage caused. We recommend that Brazil share these acquired experiences through its constructive and substantive participation in the Intergovernmental Working Group established through resolution 26/9 of the Human Rights Council.</p>	Ecuador	16	

After almost 5 years of the collapse of the dam, the agreement Term of Transaction and Conduct Adjustment - TTAC, signed in March 2016, which provided for the completion of the identification of the victims in up to one year, until today has not been concluded. The victims were not properly rewarded, there was no criminal liability. The institutions of justice, MPF and Public defenders, find difficulty in making the companies fulfill their obligations as laid down in agreements, such as the right to independent technical advice, encountering obstacles in establishing the access to justice and procedural guarantees with the 12th Federal Court of Belo Horizonte, where the lawsuit was filed. In 2019, the convictions of homicide were withdrawn, of the 19 dead, of the criminal action, leaving the light environmental crimes, such as the flooding.

According to a survey of the Parliamentary Inquiry Commission both of the Legislative Assembly of Minas Gerais and of the Federal Chamber of Deputies, it was confirmed that the company was aware of the risks and acted so as to omit information from the public power.

These elements of corporate impunity highlight the importance of advancing to the direct obligations of transnational companies, themes under discussion in the Intergovernmental Working Group, under the Chairmanship of Ecuador. In addition, in the 5th Session of the Working Group, as well as in informal consultations carried out by the mission of Ecuador in June, Brazil has taken a critical posture regarding civil society's participation in the process of building the WG, preventing the exercise of a customary right of participation of entities in the construction of the international protection. The country also positioned itself against essential elements to ensure the effectiveness of the legally binding instrument, such as, for example, the criminal liability of companies and civil society's participation in the process, in addition to insisting on the primacy of state liability, which as we can see in this case, has shown to be completely ineffective.

Nevertheless, on 25 January, 2019, the company Vale, also involved in the disaster of Mariana, was responsible for the collapse of the dam of Córrego do Feijão, killing 272 people¹⁸⁷.

187 See: Folha. Justice opens loophole to rid executives from the Samarco accusation of murder ; Tragedy of Mariana: 'Flooding is a crime of common danger,' says TRF-1; Almost four years after the dam rupture of Mariana, they still suffer with the situation of Rio Doce; Chamber of Deputies. SUMMARY OF THE CPIBruma REPORT; About Brazil's participation in the negotiation of the treaty: Annex to the report on the fifth session of the open-ended intergovernmental working group on transnational corporations and others.

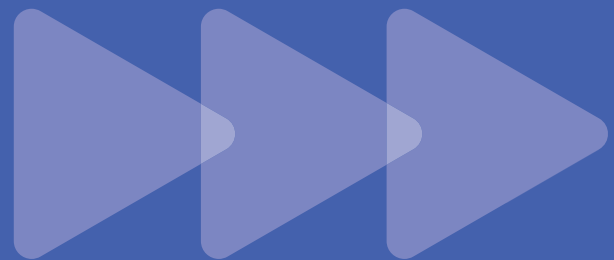
09

HUMAN RIGHTS DEFENDERS, RIGHT TO TRANSPARENCY AND INFORMATION AND DEMOCRACY



! Recommendations 56 and 57 that speak on the anti-terrorist law and the care not to encompass human rights defenders, **are not being implemented.**

	RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
!	56. Ensure that its Anti-Terrorist Legislation 2016 corresponds to international human rights standards.	Egypt	3, 16	
!	57. That anti-terrorism law combats only terrorist groups and does not consider human rights defenders.	Iraq	3, 16	



Currently, there are twenty and nine draft bills in the National Congress that intend to provision on actions of "terrorism". The crime was typified in the Anti-terrorism law, approved in 2016 under strong objection from civil society due to offering risks to social movements and to the right to demonstrate. The new draft bills - which in their majority alter the Anti-terrorism Act, but also other laws, like Brazil's Civil Rights Framework for the Internet and the Civil Law of Criminal Organizations - represent a further aggravation to these risks.

The main threats presented by these draft bills are:

- danger to social movements: 19 draft bills¹⁸⁸ aim to relax and/or revoke the safeguarding of the Anti-terrorist Law in relation to social movements, criminalize behaviors that are traditionally used by social movements while being security strategies and conquest of rights, typify the abuse of articulation, establish the lawfulness of evidence obtained by means of the police infiltration without judicial authorization, among other measures, which jeopardize the actions of demanding movements by means of the direct criminalization of their players;
- vigilantism: 6 draft bills¹⁸⁹ predict the infiltration of public security agents and telephone and telematics interception for research purposes without judicial authorization and the obligation to submit to the collection of biological material to obtain the genetic profile with the justification of combating terrorism, thus violating the rights to privacy and freedom of expression, which are fundamental in a democratic society;
- expansion of behaviors considered as terrorism: 15 draft bills¹⁹⁰ which aim to extends the conducts largely, disregarding conducts already typified in other laws, like, for example, the gun license without terrorist motivation, depredation of public property, attacks on public security agents, and other provisions that go beyond the protection of essential public services, depleting, thus, the contents of the Anti-Terrorism Act and giving scope to the criminalization of social movements;
- amendment to the concept of terrorism: 10 draft bills¹⁹¹ extend the concept of terrorism in order to make it vague and inaccurate and/or include ideological political motivation; and
- threat to organized civil society: 21 draft bills¹⁹² present vague and ambiguous terms, and may serve as an instrument for the illegitimate restriction of freedom of expression and association.

188 DB 2443/2011, DB 272/2016, DB 5065/2016, DB 9604/2018, DB 9555/2018, DB 9858/2018, DB 9808/2018, DB 181/2018, DB 2307/2019, DB 650/2019, DB 492/2019, DB 443/2019, DB 271/2019, DB 2418/2019, DB 5327/2019, DB 2719/2019, DB 5327/2019, DB 132/2020, DB 6125/2019.

189 DB 11007/2018, DB 9808/2018, DB 3668/2019, DB 2307/2019, DB 2418/2019, DB 2719/2019.

190 DB 272/2016, DB 5065/2016, DB 11007/2018, DB 9604/, 2018, DB 9555/2018, DB 9858/2018, DB 76/2018, DB 650/2019, DB 492/2019, DB 443/2019, DB 271/2019, DB 1595/2019, DB 4282/19, DB 410/2020, DB 3019/2020.

191 DB 272/2016, DB 5065/2016, DB 9555/2018, DB 9858/2018, DB 1339/2019, DB 650/2019, DB 492/2019, DB 443/2019, DB 5327/2019, DB 5686/2019.

192 DB 2443/2011, DB 272/2016, DB 5065/2016, DB 11007/2018, DB 9604/2018, DB 9555/2018, DB 9858/2018, DB 9808/2018, DB 181/2018, DB 76/2018, DB 3668/2019, DB 2307/2019, DB 1339/2019, DB 650/2019, DB 492/2019, DB 443/2019, DB 87/2019, DB 271/2019, DB 2418/2019, DB 1595/2019, DB 5327/2019.

Recommendations 111, 112, 113 114, 115, 116, 117, 118, 119 and 122, which concern the implementation of the National Policy for the Protection of Human Rights Defenders, are not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
111. Continue efforts to provide better protection to human rights defenders and strengthen civil society as an essential partner in boosting the human rights system.	Tunisia	16	
112. Ensure that the deaths of human rights defenders are promptly and thoroughly investigated, and that those found to be responsible are brought to justice.	Belgium	16	
113. Provide full implementation of the National Policy for the Protection of Human Rights Defenders.	State of Palestine	16, 17	
114. Take all necessary measures to ensure the physical integrity of journalists and human rights defenders, including an explicit and published decision on instituting a federal investigation and prosecution in all cases involving violence against human rights defenders.	Netherlands	10, 16, 17	
115. Restore functionality of the National Programme for the Protection of Human Rights Defenders.	Norway	16, 17	
116. Take more decisive steps towards implementing the National Programme for the Protection of Human Rights Defenders.	Poland	16, 17	
117. Review its respective Decree of 2016 related to protection of human rights defenders in order to ensure wider participation of civil society and enhanced protection of human rights defenders and their families.	Slovakia	16, 17	
118. Implement the National Plan for the Protection of Defenders.	Australia	16, 17	
119. Strengthen the national programme for the protection of human rights defenders, in particular its funding and human resources.	Czechia	16, 17	
122. Further intensify the implementation of the National Policy for the Protection of Human Rights Defenders, and the Programme to Protect Human Rights Defenders.	Mongolia	16, 17	

The implementation of the National Policy for the Protection of Human Rights Defenders and of the Protection Program continue not advancing appropriately. At meetings in May and June with civil society by means of committees of the CNDH, managers of the program presented an action plan for 2020, which involves a revision of the procedure manual of the technical staff, production of brochures and guides and the improvement of the practices and procedures for the operational management of the Program. However, it is worth mentioning that these points were already in the work plans of previous years and have not advanced until now.

The coordination also alleges that the plan still cannot advance much this year due to the pandemic of Covid-19, which made it difficult and limited the ability of work of the technical team, including in contact with those assisted. Yet, they argue they are already making the necessary adaptations so that they can implement the work plan and improve the communication with those assisted in the second half of this year.

The question that has advanced more in the scope of the Program is to negotiate with federal units to make agreements to implement local programs. In the last year there was the implementation of the Program in the state of Pará, it is still in progress and opened up dialog with three more states, still without effective progress.

Recommendation 120 that demands protective measures for the defenders of human rights and social communicators, **is not being implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
120. Take all necessary measures to guarantee the safety of human rights defenders and journalists as they carry out their tasks.	France	16, 17	

Protective measures for these groups continue without progress since September 2018, when social communicators began to be formally included in the scope of the protection program. However, more than a year and a half after this amendment, only two communicators were included and only one remains in the Program¹⁹³.

In the joint declaration of March 2020, the bodies that oversee the freedom of expression and freedom of the press in the United Nations and in the Inter-American Commission on Human Rights and the Representative on Freedom of Media of the Organization for Security and Cooperation in Europe issued

a recommendation for governments to provide truthful information about the nature of the threat represented by the coronavirus, refrain from blocking access to the Internet and make extraordinary efforts to protect the work of journalists. Unfortunately, the Brazilian government has acted in the opposite direction to these recommendations. The lack of transparency and the violation of the right to access information reached its climax, when, in June this year alone, the government did not informed the total scenario of the pandemic on any platform. As a response to this, private press channels created a consortium to monitor the number of people infected and people killed by the Covid-19 and continue with the precept of informing the population.

193 Survey of Article 19, member of the Brazilian Committee of Defenders of Human Rights (CBDDH).

In addition, access to information and other rights, such as health and education, are also violated when you observe the disparities in access to telephony and Internet services. In a scenario of pandemic in that it is necessary to carry out social isolation, the adoption of policies of distance learning, for example, end up reflecting inequalities marked by social class, race and regionalities¹⁹⁴. When added to the prospect of social class, this inequality only worsens, since 85% of people in classes D and E have only the cell phone as a means of internet usage, a considerable difference with the others: 61% of class C, 26% of Class B and 11% of class A.

What aggravates this situation are the threats to the free flow of information on the Internet and the dissemination of the so-called hate speech and fake news, being often encouraged and driven by members of the Brazilian government, including the president of the Republic, whose slate is under investigation in the Supreme Electoral Court for the dissemination of fake news during the election period.

Seeking to combat the so-called Fake News, the Senate approved, on 30 June, DB 2630/20. Entities of civil society and experts have pointed out the damage to privacy, to data protection, to the internet access and to the freedom of expression contained in the matter that is being examined in the Chamber of Deputies.

In this scenario, not only access to information and the right to freedom of press and freedom of expression are on maximum threat alert in Brazil, but democracy itself, since the guarantee of freedom of the press and citizen participation at different levels are pillars of democratic life. In a scenario of health crisis, the denial of these rights, also takes place in serious violation of other fundamental rights, with an emphasis on the right to health, affecting the life of the population that is more vulnerable, the blacks, indigenous peoples and women.

194 As confirmed in the 2019 edition of the research TIC, Homes, which revealed that only 48% of the indigenous population, 55% of black people and 57% of mixed race have used the computer at least once in their lives (in the white population the rate is 63%).

Recommendation 121 concerns the implementation of measures to protect the defenders who work with indigenous rights and continues being not implemented, in line with the latest mid-term report, **now considered as a setback.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
 <p>121. Take further steps to protect human rights defenders, including those working in relation to the rights of indigenous, including through ensuring impartial, thorough and effective investigations into all attacks, harassment and intimidation against human rights defenders and prosecution of all alleged perpetrators of such offences; and further, fully implement the national programme to protect human rights defenders through the adoption of a specific legal framework, allocation of a budget and the setting up of multi-disciplinary teams to implement it.</p>	Ireland	16, 17	

Since the beginning, the current government has stated that indigenous NGOs are an obstacle to the Government’s plan to integrate these peoples to the Brazilian society, and that they manipulate the Indians to claim lands. Allied to this, President Jair Bolsonaro sent, on 5 February, 2020, a draft bill to regulate the mining and power generation in indigenous lands¹⁹⁵. This is a project that brings a lot of constitutional inconsistency, not complying with Convention 169 of the ILO and yet directly affects the lives of thousands of indigenous peoples in the country.

Another issue that indicates the setback in the protection of indigenous rights are the constant attacks received by these populations in their territories. Since the beginning of the current Bolsonaro Government there has been an increase in the number of invasions of indigenous lands by loggers, miners, ranchers and other agents. This situation is even worse with the pandemic of 2020.

Covid-19 arrived in indigenous territory and it was so overwhelming that it had its first confirmed case on 25 March. The deaths of indigenous people increases every day. According to data from the APIB, gathered by the National Committee for Life and Memory of Indigenous Peoples (initiative that brings together various indigenous associations in the country), which has done a constant monitoring of how the pandemic has reached the various indigenous peoples of the country¹⁹⁶, the first death of indigenous peoples was confirmed on 20 March in the state of PA and was an elder of the Borari tribe. And since the first death recorded, today there are already 29,824 indigenous people affected by the disease, reaching around 156 different peoples, of which 785 did not resist and died, until 04 September. All regions have been affected by the disease, but the region that has suffered the most with this expansion is the Amazon region, which today has had 379 indigenous deaths. Amazonas being the first state to have a confirmed case and today being the state with more deaths, 182 in total.

195 Bolsonaro signs project with rules for mining and power generation in indigenous lands - G1 - 05/02/2020.

196 Covid 19 Data I Indigenous Emergency - Indigenous Emergency - APIB.

10 MIGRANTS AND REFUGEES



Image: Envato

Recommendations 9, 10, 11, 12 and 13, which recommend accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, **were not implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
9. Sign and accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	Sierra Leone	8, 16	
10. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	Chile Indonesia Sri Lanka	8, 16	
11. Step up the procedure for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.	Togo	8, 16	
12. Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.	Guatemala	8, 16	
13. Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.	El Salvador	8, 16	

Brazil is the only country of Mercosur, which still has not ratified it. Between 2010 and 2011, Message 696 was considered by the Chamber of Deputies sent by the Ministry of Foreign Affairs that submitted the text of the Convention to the consideration of the Legislative and required its examination as a project of Constitutional Amendment. In August 2011 it was open for the submission of a formal application¹⁹⁷ and in September of the same year the deadline ended without the submission of the application. In 2015, the Special Commission was created to deliver an opinion to Message 696, of 2010, but with the end of the legislature the proceeding was dismissed. **In the current legislature, the Chamber of Deputies is considering DB 2.699/20 authorizing the residence of immigrants in Brazil with the foundation received in the humanitarian aid due to the pandemic of Covid-19 and its socio economic impacts.** In being approved, it can contribute to the social protection of migrants, but even so, it is insufficient.

Recommendation 17 has not been implemented, because Brazil has not ratified Convention 87 nor the one on migrant workers¹⁹⁸.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
<p>17. Ratify the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and finalize the domestic procedures to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</p>	Ecuador	8, 16	

The Recommendation 14 is partially implemented because the country ratified, in 2018, Convention 189 of the ILO, but still has not followed through with the process of ratification of the Convention on migrant workers¹⁹⁹.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
<p>14. Accelerate efforts towards ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011.</p>	Philippines	8, 16	

197 MSC 696/2010.

198 Ratifications of ILO conventions: Ratifications by Convention - ILO.

199 Brazil ratified ILO's 189 Convention domestic labor - ILO - 01/02/2018.

Recommendations 244, 245 and 246 are partially implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
244. Implement the recently approved new Migrants Law and its human rights perspective on the migration issue.	Timor-Leste	16	
245. Implement the new Migrants Law fully.	Greece	16	
246. Expand government-funded resettlement services to newly arrived refugees and ensure a right to an adequate standard of living through the establishment of a National Plan of Local Integration.	Canada	16	

The new Migration Law of Brazil (Law 13.445/2017)²⁰⁰ was sanctioned in May 2017 and its regulations were made through Decree 9,199/2017²⁰¹. The fruit of years of joint construction of efforts of civil society in the attempt to replace the former Alien Statute, the Migration Law instituted a perspective of migration based on human rights with the rejection of xenophobia, racism and all forms of discrimination as **one of its principles, establishing a new paradigm for Brazil.**

However, its **main current challenge is the effective implementation and regulation.**

The preparation of the regulatory decree did not have the adequate participation of civil society in addition to having left several gaps and leaving it open to interpretations that contradict the law. In addition to contradicting several points of the Law itself, the Decree also left out important points in the text.

One example is the creation of the National Policy of Migrations, Refuge and Statelessness, which has as its purpose to articulate actions in all spheres of Government, facilitating the daily lives of those who have migrated to the country. Another point of concern are the various attempts, both of the Legislature and the Executive, of going back on the guarantees of rights from the new Migration Law. A recent example was draft bill PLS 928/2019²⁰², which provisions on the possibility of expulsion and expedited the deportation of migrants. Ordinances 666²⁰³ and 770²⁰⁴ of the Ministry of Justice, which also deal with the expulsion of foreigners in Brazil, shows attempts to change what the Migration Law says through actions of the Executive.

200 Law 13.445/17.

201 Decree 9,199/2017.

202 Draft Bill 928/2019.

203 DECREE No. 666, OF 25 JULY, 2019.

204 DECREE No. 770, OF 11 OCTOBER, 2019.

WORK AND INCOME



Recommendations 1, 2, 3 and 4, which deal with the accession, signature and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) by the Brazilian State **continue as non-compliant**.

The latest information on the progress of the process was given during a meeting with the Brazilian mission in the pre-session period of the third cycle of the UPR, in which there was a statement that the Brazilian Government was still in the process of internal procedures to sign and ratify PF-PIDESC, for a long time now, but does not become effective.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
<p>1. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.</p>	Albania Angola Argentina Montenegro Portugal	1, 2, 3, 4, 6, 16	○ ○ ●
<p>2. Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.</p>	El Salvador Ukraine	1, 2, 3, 4, 6, 16	○ ○ ●
<p>3. Speed up its accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.</p>	Gabon	1, 2, 3, 4, 6, 16	○ ○ ●
<p>4. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and accept the competence of the Committee as regards the inquiry procedure and inter-State communications.</p>	Filand	1, 2, 3, 4, 6, 16	○ ○ ●

Recommendation 15, which deals with the adaptation of national legislation on the Arms Trade Treaty (ATT) **is partially implemented.**

Brazil ratified the ATT, in 2018, assuming the commitment to combat illicit arms trafficking and dealing, in a balanced way and legitimates the trade of the sector. However, in the Bolsonaro Government, there are attempts to loosen the purchase and use of weapons and ammunition in the country. Actions of flexibilization began with a Decree in January 2019, followed by two other Decrees and arriving at the current Decree no. 9,847, of 25 June, 2019²⁰⁵. These changes resulted in access to firearms that were previously restricted for use by military or police and are now available to any person, security and surveillance company; expansion of the number of weapons and ammunition allowed for shooters and hunters; reduction of control over the purchase of weapons by the public

security forces and municipal guards (before it required the authorization of the Army, now it only needs to be informed about the purchases); the expansion of the possession of firearms by the members of the municipal guards (including for municipalities between 50 and 500 thousand inhabitants, which before had limitations). *"The chaos caused by the various rules adopted, repealed and proposals throughout 2019, in addition to hindering the monitoring of these changes by society, puts at risk the activities of institutions and professionals responsible for ensuring that arms and ammunition do not fall into the wrong hands, whether they are criminals or unprepared citizens"*²⁰⁶.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
15. Ratify the Arms Trade Treaty and adapt its national legislation to the Treaty.	Guatemala	16	

205 Decree no. 9,685, of 15 January 2019, revoked by Decree no. 9,785, of 2019, which in turn was revoked by the present Decree no. 9,847, of 25 June, 2019.

206 See: A year after the 1st decree of weapons of Bolsonaro, confusion about rules in force prevails (Huffpost, 15/01/2020) and Report of the Instituto Sou da Paz and Instituto Igarapé (15/01/2020).

Recommendation 16 was implemented, because Brazil ratified on 31 January 2018 the formal instrument of ratification of **Convention no. 189 on domestic workers**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
16. Consider ratifying the Domestic Workers Convention, 2011 (No. 189).	Nicaragua	5, 8	

However, in the context of the pandemic of the Covid-19, 7 in every 10 women were unemployed or had their work load reduced due to social isolation. According to the IBGE (PnadC 2019), Brazil has suffered the greatest loss of domestic workers in nine years. The increase of unemployment, insecurity in the employment market and increase of informality directly impact the domestic workers, especially the informal workers (day workers and those with no formal employment or permanent contract), according to the National Federation of Domestic Workers (Fenatrad). There are estimates that 70% of domestic workers are in the informal economy.


The fact that **many domestic workers are in the risk group for Covid-19 has also precluded the work of many of the women and puts at risk those who cannot fulfill the social isolation and need access to public transportation and to have contact with other people in homes where they work.** This is one of the most vulnerable categories of workers in the scenario of the pandemic.

Although the Ministry of Public Labor Prosecution (MPT) declared that it is mandatory to ensure that domestic workers are dispensed (except for cases of real need, like caregivers of elderly people and people with disability), **many states have sought to circumvent the decision of the MPT, including the domestic service as essential**, which is the case of Ceará, Maranhão and Rio Grande do Sul.

Furthermore, **the ratification of Convention 189 of the ILO alone is insufficient to guarantee the right to decent work and the social protection of thousands of domestic workers.** It is necessary that the country effectively implements protection mechanisms for this category. Remembering that the Convention also addresses the elimination of child labor in households, establishing a minimum age (18 years) for the entry of adolescents, in line with **Convention 138 concerning Minimum Age for Admission and Convention 182 on the Prohibition of the Worst Forms of Child Labor and Immediate Action for its Elimination, both ratified by Brazil and that are not being implemented²⁰⁷.**

207 THE CHALLENGES OF THE PAST IN DOMESTIC WORK IN THE 21st CENTURY: REFLECTIONS FOR THE BRAZILIAN CASE FROM DATA OF THE PNAD CONTINUE - IPEA - 11/2019.

Recommendation 17, which guides the ratification of Convention 87 of the ILO is not implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
<p>17. Ratify the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and finalize the domestic procedures to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.</p>	Ecuador	8	

Article 8, section II of the Federal Constitution of 1988, provides for the **labor union unity, this being one of the obstacles to the ratification of the related Convention**. The debate concerns the labor union structure in the country and the adoption of pluralism or the maintenance of labor union unity. Various Proposals of Amendment to the Constitution (PEC) have been submitted for consideration by the Federal Legislative²⁰⁸. PEC 196/2019 is the one under the consideration of the National Congress²⁰⁹, it proposes modification of labor union activity in Brazil and the establishment of the National Council of Labor Union Organization (CNOS), i.e., it allows the **creation of labor union pluralism and the introduction of a criterion of representativeness of the labor unions**.

The rapid changes in the world of work and the Labor Reform adopted in Brazil (Law 13.467/2017) directly affect millions of workers. Although it is a fact that there are challenges to be faced in regard to representativeness, financial support,

organization of workers' unions and collective bargaining that require from the labor union movement of workers a reinvention of its structure and its operations. It is necessary to ensure that the changes will strengthen the working class, making the labor union activity more active and representative. The main confederations of Workers of Brazil (CUT, CTB, UGT and CSB) have already positioned themselves publicly in favor of PEC 196/2019, considering that it can meet the interests of workers and of the unions and which can strengthen the collective bargaining. Somehow, **the current text of PEC 196/2019, adopts the terms of Convention 87 of the ILO, although there is no indication that it will be ratified by Brazil**.

²⁰⁸ Examples: PEC 369/2005, dismissed by the previous legislature (had its last consideration in 2016), and PEC 196/2019. Although it brings different approaches, in the two proposals there is a clear tendency of the adoption of labor union pluralism.

²⁰⁹ Its text was approved in the analysis of admissibility of the Constitution and Justice Committee of the Chamber (CCJC) in December 2019. And in February 2020 the Special Commission was created, to deliver an opinion on the PEC. With the parity constitution of workers and employers, the Commission shall examine the merits of the proposal. Then the PEC, will have up to 60 days (40 sessions) to be approved or not. During the first ten sessions amendments can be made to the text. After the consideration, it will be assessed in a two-round system by the plenary of the Congress. Finally, if approved in a two-round system, it will be analyzed in the Federal Senate.

12 CHILDREN AND ADOLESCENTS



Image: Envato

Recommendations 5, 6, 7 and 8, which provide guidance on the ratification of the Optional Protocol of the Convention on the Rights of the Child on a communication procedure, are partially implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
<p>5. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.</p>	Albania El Salvador Georgia Montenegro Liechtenstein	17	○ ○ ○
<p>6. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.</p>	Ukraine	17	○ ○ ○
<p>7. Ratify, before the next universal periodic review cycle, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.</p>	Czechia	17	○ ○ ○
<p>8. Consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.</p>	Croatia Mongolia	17	○ ○ ○

The instrument of communication of the Convention on the Rights of the Child of the UN from the Third Optional Protocol effectively put the rights of the child on equal terms with other human rights and recognized that children and adolescents also have the right to appeal to an international mechanism, as well as adults. This instrument was ratified by Brazil in September 2017²¹⁰, bringing with it the need for profound changes in the scenario of Brazilian public policies directed to children. Under the agreement, it is established that communications could be presented to the Committee on the Rights of the Child by people or groups of people, or on behalf of them, since they are subject to the jurisdiction of a country and who claim to be victims of violations committed by this State.

It so happens that the Brazilian State has promoted a reservation as regards investigations of communications, which needs to be reviewed, because without this competence the Committee cannot investigate the violations of rights presented by children and adolescents through communications of the Third Protocol.

²¹⁰ Legislative Decree no. 85, of 2017.

! Recommendations 132 and 205, which verses, on combating slave and child labor, are not being implemented.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
132. Further continue the combating of slave and child labour in the country.	Ethiopia	8	
205. Further strengthen programmes to address child labour, in particular through inspection, investigation, and preventative measures such as improving socioeconomic conditions for children and ensuring access to education.	Liechtenstein	8	

With regard to **child labor**, it is still a reality for millions of girls and boys in Brazil. The most recent data of the PnadC, released by the IBGE show that there **were 2.4 million children and adolescents from 5 to 17 years old** in a situation of child labor in the country, which represents 6% of the population (40.1 million) in this age range. It is worth mentioning that of this universe, 1.7 million also engaged in domestic chores concomitantly to the work and, probably, to the studies²¹¹.

The Northeast and Southeast regions reported the highest rates of occupation, respectively 33% and 28.8% of the population of 2.4 million in the range between five and 17 years old. In child labor in households, girls are the majority (94.2%). The number of black children and adolescents is higher than that of non-blacks 1.4 million and 1.1 million respectively. The number of working children and adolescents is higher in the cities, but relatively higher in the rural area. In the rural area, there were 976 thousand children and adolescent workers (40.8%), and 1.4 million in the urban area (59.2%). This number is more expressive among children from five to 13 years of age: 308 thousand

in rural areas (68.2%) and 143 thousand in cities (31.8%). **82% of all situations of child labor in the sector in Brazil is concentrated on livestock and breeding of other animals and in the production of temporary crops²¹².**

It is important to note that the most recent statistics relating to child labor are from 2016. IBGE has not disclose more data on the issue, although they have already been collected. In practice, the absence of data on child labor in Brazil has a negative impact on the elaboration and implementation of existing public policies, in transparency, in social control and contradicts the provisions in Article 5 of the Federal Constitution of 1988 and the Law of Access to Information (LAI - Law 12.527/2011) in force.

On **slave labor**, according to the Pastoral Land Commission (CPT) between 2017 and 2019, 2,076 workers were rescued in situations analogous to slavery. Of every five workers rescued, 4 are black. Most workers rescued are men. In 2019, 1054 people were found in a situation of slave labor.

²¹¹ The greatest concentration of child labor is in the age range between 14 and 17 years, totaling 1,940 million. Now the range from 5 to 9 years old records 104,000 working children..

²¹² Source: Census of Agriculture and Cattle Raising 2017.

In the past 5 years, the data indicates a persistence of slave labor in Brazil that has as causes the budget and human cutbacks (surveillance). Data from the CPT and the Labor Union of Tax Auditors of Labor (SINAIT), indicate that the monthly actions of inspection of the work in 2017 showed a reduction of 58% in comparison to 2016, which reflected also in the reduction of 76% in the number of workers rescued²¹³. In 2017, the **supervision of the work had its budget drastically reduced, with cuts of approximately 70% of the budget** allocated to auditing actions. It is important to highlight that, **as there have been no contests, the number of labor tax auditors has been decreasing in recent years.**

Brazil has been an international reference in combating child labor, however, this role no longer exists. In recent years, a number of important public policies to combat child labor and slave labor have gone through a process of weakening and dismantling, which threatens not only the advances in coping with these two social problems, but also the fruition of human rights in Brazil. The low effectiveness and scope of public policies in education, health and social protection seriously compromise the achievement of established goals and the implementation of the commitments undertaken by the country.

The impacts of EC 95 also precludes the actions of confrontation to slave labor and child labor in Brazil. The budget contingency has direct impacts on the Department of Labor Inspection (SIT), a structure responsible for auditing these two violations of law. There is no transparency in the financial resources earmarked for combating child labor and slave labor, which complicates considerably the monitoring of public spending.


The budget cutbacks and of human resources in the Federal Highway Police (PRF) also have a negative impact on the performance of labor tax auditors in combating slave labor, since these professionals, in many situations, require the monitoring of the PRF in supervisory actions due to insecurity and the risks faced in the investigations²¹⁴.

The land regularization proposal presented by the Bolsonaro Government (MP 910/2019 - MP of Land Grabbing) is also another setback. Although the provisional measure (PM) has lost its validity, because it was not voted on, the risk still exists, considering that there is a draft bill on the subject discussed in the National Congress. It is important to highlight that the focus of the Government is the entitlement of thousands of irregular properties in the Amazon region, i.e., the very legitimacy of land grabbing. Not by chance, this is also the region that concentrates a good part of the situations analogous to slavery. **The constant attempts of suspension of registration of employers fined for maintaining workers in situations similar to those of slaves also enters the list of those setbacks. The Black List for Slave Labor is an extremely important mechanism and recognized as a good practice by the UN, but there is an important pressure for it not to be disclosed.**



213 Source: Technical Note no. 192 of the Institute of Socioeconomic Studies (INESC).

214 On account of the contingency and by considering that the austerity policy in force in Brazil disrespects the Convention no. 81 of the International Labor Organization - ILO on Labor Auditing; Convention no. 105 on Slave Labor; and Convention no 182 on the Worst Forms of Child Labor, the SINAIT in 2017 presented complaints to the International Labor Organization (ILO), to the Commission on Human Rights of the Federal Senate and to the central unions and organizations associated with the theme.

For all of reasons above, it can be concluded also that **recommendation 201**, which deals with the promotion of children’s rights, **is only partially implemented**, one must highlight that the National Council for the Rights of the Child and Adolescent (CONANDA), has been working since December 2019 by virtue of a decision of the STF , which by order of injunction of civil society organizations suspended the Presidential Decree that extinguished the mandate of organizations and created a new form of composition of the Council.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
201. Continue the efforts directed towards the promotion of the rights of the child.	Armenia	1, 2, 3	

Recommendations 162 and 163, which deals with the reduction of morbidity and maternal and infant mortality, **are partially implemented**.

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
162. Reduce maternal, child and infant morbidity and mortality by promoting effective assistance measures during pregnancy and at the moment of birth.	Iceland	3	
163. Improve health care to further reduce child mortality.	Islamic Republic of Iran	3	

Maternal death refers to any death that occurs during pregnancy, childbirth or until 42 days after the birth. This may be due to any reason related to pregnancy or exacerbation, not due to incidental or accidental reasons. Approximately 92% of maternal deaths are due to preventable causes, mainly due to high blood pressure, bleeding or infection.

In accordance with the Ministry of Health, between 1990 and 2015, the maternal mortality rate in Brazil fell from 143 per 100,000 live births to 62, which means a decline of 56%. This reduction was recognized by the WHO, highlighting that since the 1990s, the public health policies have made significant progress. However, it is important to stress that the violence during pregnancy and the puerperium affects black women in a particular way, constituting the appointed obstetric racism. This form of violence includes abuses that may be related to the non-exercise of the autonomy of women and the exploitation of their body.

Due to this, educational measures are crucial for health professionals. According to data from the Mortality Information System, in 2015, Brazil registered 1,738 cases of maternal deaths, including deaths due to pregnancy or childbirth, or deaths until 42 days later. In 2016, 1,463 cases were registered in the entire country, a decline of 16% in comparison to the previous year. To prevent maternal death, it is also important to prevent unintended and early pregnancy. All women, including adolescents need access to contraceptive methods and services to perform safe abortions to the extent permitted by law and provide quality care after the abortion, which is not guaranteed.

When analyzing the data recorded in the Mortality Information System (SIM) of the Ministry of Health, from 2010 to 2016, without correcting the underreporting of deaths, it may be noted that:

- the total number of infant deaths in Brazil declined between 2015 and 2016. The SIM registered in the first year of life 37,501 deaths in 2015 and 36,350 in 2016. This decrease was observed in the five regions of the country;
- However, the coefficients of infant mortality - CMI (abbreviation in Portuguese) showed an increase in all regions, with the exception of the South region. The data show that, in Brazil from 2015 to 2016, the CMI has increased by 2.4% (12.4 to 12.7 per 1,000 live births). The regions with the highest percentage of increase were the Northeast and Mid-West regions (3.4% and 3.6%, respectively). This increase in mortality rates is explained by the significant decline in the number of live births during this period: 3,017,668 in 2015 and 2,857,800 in 2016; and,



- even when comparing data from 2015 and 2016, the coefficients of mortality during the neonatal period (deaths from 0 to 27 days of life) remained stable in all regions of the country, but the post-neonatal mortality (deaths from 28 to 364 days of life) has increased, with the exception of the South region. The biggest increase was observed in the Northeast region, where the coefficient of post-neonatal mortality increased from 3.8 in 2015 to 4.2 per 1,000 live births in 2016; Among the deaths with defined causes, the number of infant deaths from diarrhea that had been progressively falling between 2010 and 2015, increased in 2016 in all regions, with the exception of the South region. This increase has led to an increase in the coefficient of post-neonatal mortality by diarrhea between 2015 and 2016 in the country, and in the North, Northeast, Southeast and Mid-West; the percentage of infant deaths without definition of the basic cause ranged from 2.2% to 2.6% in Brazil, while in the post-neonatal period, the variation was from 5.9% to 7.0%. Only in the North region there was no increase of this indicator between 2015 and 2016.

Recommendation 206, which deals with the rejection of proposals providing for a reduction in the defense of infancy, **is partially implemented.**

RECOMMENDATIONS (UPR)	NATION	SDG RELATED	ASSESSMENT
206. Reject proposed Constitutional amendments and draft bills that seek to reduce the age of criminal responsibility.	Uruguay	10, 16	

In 2015, PEC 171/93 - proposed the reduction of the minimum age that a person can answer criminally in case of heinous crimes – came to be approved by the Chamber of Deputies and is currently awaiting consideration by the Federal Senate. In addition, the reduction of the defense of infancy to 16 years was defended by the president elected in 2018, Jair Bolsonaro.





Although there is some debate whether or not this provision can be amended (**constitutional clause that cannot be changed**), it cannot be said that the teenagers who are youth offenders are not liable to prosecution, because the social and educational measures are imposed, they are laid down in a special standard, in the case of the Statute of the Child and Adolescent (ECA). Therefore, a reduction in the defense of infancy would not be feasible, the rules prevailing in our country are contrary to this questioning. Analyzing the social context, what is needed is greater dedication of the State to give better fundamental guarantees, which would bring in themselves the application of the other standards in force. When you have a base that is not working, it is not possible to demand from the other links, the effective application.

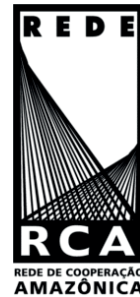




monitoramento dos
direitos
humanos **Brasil**



UNISOL Brasil
Central de Cooperativas e Empreendimentos Solidários



**FRIEDRICH
EBERT
STIFTUNG**



CLICK [HERE](#) TO ACCESS THE UPR PLATAFORM.

CIVIL SOCIETY REPORT

UNIVERSAL PERIODIC
REVIEW OF HUMAN
RIGHTS IN THE
**CONTEXT OF
COVID-19**

20

20

COLETIVO

RPU

BRASIL