

ADVANCE QUESTIONS TO BRAZIL

CZECH REPUBLIC

- The Czech Republic would like to ask Brazil to elaborate on the Programme to Protect Human Rights Defenders and the National Policy to Protect Human Rights Defenders. What measures have been adopted since 2008 to strengthen the security of human rights defenders?

DENMARK

- Credible reports on arbitrary and extrajudicial executions by state police (military and civil) in Brazil are still numerous. The UN Special Rapporteur visited Brazil in 2010 and his observations confirmed the continued existence of these widespread problems. Which progress has been made since the visit of the Special Rapporteur in 2010? What steps have been taken by the Federal Brazilian Government to follow-up on the recommendations made by the Special Rapporteur?
- Trafficking seems to be a continued serious problem for both women as primary victims of international trafficking and men, mainly as victims of forced labour in Brazil. The Special Rapporteur on contemporary forms of slavery recommended that slave labour offences should clearly fall under federal jurisdiction. Do the Federal authorities of Brazil intend to take steps into this direction?
- According to credible reports many judges are under threat because of their functions. A communication by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers to the government of Brazil from August 2011 confirms this problem. They underlined that the problem – if impunity for such crimes prevailed – could harm the effective consolidation of the rule of law and democracy. What steps does the Federal Brazilian Government intend to take to follow-up on the communication transmitted by the Special Rapporteurs?

GERMANY

- The Special Rapporteur on extrajudicial, summary or arbitrary executions noted in 2010 that almost no steps had been taken to address on-duty police killings and “resistance” killings. Germany would like to know what concrete measures the government has undertaken since 2008 and plans to undertake in order to effectively address the problem of summary or arbitrary executions by law enforcement officers.

IRELAND

- What measures have been put in place to ensure the continuation and expansion of the National Programme for Human Rights Defenders?
- What measures are envisioned to ensure the approval of Law Project No. 4575/09, for the definition of the basic guidelines of the National Programme of Human Rights Defenders?
- What measures have been taken to ensure the human rights of those detained in the prison system, with particular regard to the situation of pregnant women?
- **What measures are being taken to ensure the human rights of those communities whose homes and lands will be affected by urban mobility projects, in particular with regard to World Cup 2014 and Rio 2016?**

NETHERLANDS

- **Human rights and important infrastructure projects**

Could the Government of Brazil elaborate further on the mechanisms in place and any further measures it intends to take to ensure that human rights are respected in the execution of important infrastructure projects? Are human rights taken into account when providing lending facilities for companies?

- **Respect for rights of indigenous populations**

Which measures is the Brazilian government taking to work towards resolving the issue of land ownership of indigenous populations?

- **Support for Human Rights defenders**

The Netherlands commends the Government of Brazil for its commitment towards the protection of Human Rights Defenders, in particular its intention to integrate the National Policy to Protect Human Rights Defenders into national law (A/HRC/WG.6/13/BRA/1/116-118). How does the Government further intend to address persisting concerns about the safety of Human Rights Defenders; is it envisaged to instruct the Federal Police to investigate automatically cases of murder of human rights defenders instead of local authorities as made possible through amendment 45/2004 of the Constitution (A/HRC/WG.6/13/BRA/3/46-49)? What progress has been made to guarantee the protection of human rights defenders who have been threatened?

- **Situation of prisoners**

Noting the commitment of the Government of Brazil to address the situation of prisoners, could the Government indicate when the bill to set up the National System

to Prevent and Combat Torture will be passed by Congress? How does the Government intend to address concerns about the overpopulation of prisons in this regard (A/HRC/WG.6/13/BRA/3, par. 21)? Are measures foreseen aimed at for example reducing the number of detainees in preventive custody?

NORWAY

- According to a 2011 study on national homicide rates, 39.7% of all youth mortalities were the result of homicides. At the same time, according to media reports, federal budgets for projects under the National Program for Public Security with Citizenship had been severely cut. What concrete measures does Brazil plan on taking to enhance public security?
- Brazil is a party to the Hague Convention on the civil aspects of international child abduction, which seeks to guarantee a prompt return of abducted children to their country of habitual residence. There have been concerns regarding the Brazilian courts treating these cases as custody disputes. In addition, such cases face challenges with the slow judicial process and the multiple appeals allowed. Will Brazil provide more resources, in particular to its judicial system, to assure compliance with the Hague Convention on child abduction?
- 44% of the Brazilian prison population reportedly consists of pre-trial prisoners. As a consequence of the time lapse between an arrest and the introduction of the defendant to the judge, many pre-trial detention centres are overcrowded. How is Brazil planning to accelerate the judicial process and shorten the time between arrests and the introduction of defendants to a judge?

SLOVENIA

- What kind of measures will be adopted in order to overcome the inequalities in the access to education for girls and women due to their race, ethnicity and socio-economic background, with a view to ensuring de facto equal access to all levels of education in Brazil?
- What steps does Brazil intend to take to ensure the establishment of an independent National Preventive Mechanism?
- How will Brazil ensure that persons with disabilities do not suffer discrimination in access to employment despite the quotas in both the public and private sectors?

SWEDEN

- Could the government of Brazil elaborate on how it will ensure that the obligations under OPCAT are fulfilled and implemented and what further measures it is taking in order to ensure the elimination of torture and other cruel, inhuman or degrading treatment or punishment within the detention system?
- The Brazilian Government is giving high priority to the question of trafficking of women and children and sexual exploitation. There are national plans for prevention, as well as several initiatives aimed at combating the problem. Could the Brazilian Government elaborate on what further measures it is planning to take in order to combat trafficking and sexual exploitation of women and children, not least in view of the preparations for and the hosting of the upcoming big sports events?

UNITED KINGDOM

- The UK would like to know what steps are being taken to protect the safety of journalists in the light of recent threats and murders and how is Brazil evaluating how successful they are?
- We would be grateful for information on measures to protect Human Rights Defenders, particularly those campaigners for environmental and indigenous rights living under threats of violence?
- We would welcome information on your plans to improve prison conditions in line with the commitments made in your previous review and including such issues as reducing pre-trial time for remand prisoners and access to health care for pregnant prisoners.
- We would be grateful for more information on the Truth Commission's mandate and how it will guarantee that the victims of violations perpetrated by the 1964-1985 military regimes have full access to justice?
- The UK welcomes the visit of UN Subcommittee on Prevention of Torture in September 2011 and introduction of legislation creating a National Preventative Mechanism in October 2011. What steps are being taken to implement this legislation, publish the report and independently evaluate its implementation?