



Follow-Up of Recommendations in Country or Thematic Reports

Brasil



CHAPTER V: BRAZIL

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CHAPTER V

FOLLOW-UP OF RECOMMENDATIONS ISSUED BY THE IACHR IN ITS COUNTRY OR THEMATIC REPORTS

THIRD FOLLOW-UP REPORT ON THE RECOMMENDATIONS ISSUED BY THE IACHR IN THE 2021 REPORT ON THE SITUATION OF HUMAN RIGHTS IN BRAZIL¹

I. INTRODUCTION

A. Background information: *In loco* visit and report on the human rights situation

1. The purpose of this document is to follow up on the recommendations issued in the *Report on the Situation of Human Rights in Brazil* (Brazil Report, Report on Brazil, Country Report, or IACHR Report), approved by the Inter-American Commission on Human Rights (IACHR, Inter-American Commission or Commission) on February 12, 2021.² The IACHR Report was the result of the *in loco* visit conducted to Brazil between November 5 and 12, 2018, as part of its continuous monitoring of the human rights situation in the continent and in accordance with Article 106 of the Charter of the Organization of American States (OAS).

2. The purpose of the *in loco* visit to Brazil was to carry out a comprehensive diagnostic assessment of the human rights situation in the country. Taking into consideration its vast territory and the particularities of each region and federal state of Brazil, the Commission focused on specific issues and groups that are linked to historical processes of discrimination and structural inequality.

3. As a result of the visit, the Commission approved and released the Brazil Report, comprised of the following chapters: “Historical discrimination and socioeconomic discrimination as factors causing structural inequality;” “Other groups at special risk;” “Citizen security;” “Impunity;” “Democratic institutions and human rights;” and “Freedom of expression and information.” These chapters include a detailed analysis of the extreme inequality and vulnerability of certain specific population groups in Brazil, which is a consequence of the historical discrimination to which they have always been subjected.

4. In the aforementioned report, the Commission noted that, despite the existence of the Rule of Law and a democratic system and several human rights institutions in place, the country faces structural challenges in overcoming issues related to historically neglected discrimination. Furthermore, the Commission stated that these challenges have an exacerbated impact on specific groups, such as Afro-descendants, women, Quilombola communities, indigenous peoples, peasant and rural workers, homeless persons and persons living in slums or peripheral urban areas.³

5. The Commission also found that structural discrimination is intrinsically linked to social exclusion and access to land, which has thus built a cycle of inequality and extreme poverty. It further indicated that this situation exposes persons in vulnerable situations to violence perpetrated by criminal organizations such as militias and drug-trafficking groups, as well as by groups engaged in human trafficking and other modern forms of slavery.

¹ Chapter not approved by Commissioners Stuardo Ralón Orellana, Carlos Bernal Pulido and Gloria Monique de Mees, with a partial reasoned vote by Commissioner Carlos Bernal, which Commissioners Stuardo Ralón Orellana and Gloria Monique de Mees also concurred in. The partial reasoned vote is found at the end of this chapter.

² IACHR, Press Release No. 50/21, [IACHR Publishes Report on Human Rights Situation in Brazil and Highlights Impacts of Historical Processes of Discrimination and Structural Inequality](#), March 5, 2021.

³ IACHR, [Situation of Human Rights in Brazil](#), paras. 4–11.

6. The Commission considered that the identified challenges have a negative impact on citizen security. It has also expressed that, despite the fact that extreme inequality leads to an increase in violence that affects persons in vulnerable situations, the State has devised and implemented security policies that entail violent and punitive institutional action by a militarized police force, which has resulted in serious human rights violations. In this context, the Inter-American Commission also analyzed the role of judicial authorities in the implementation of such policies.

7. In addition, the Commission observed that the poverty and extreme poverty faced by some historically discriminated population groups makes it difficult for them to have full and effective access to justice, which thus hinders the enjoyment of their rights. These people are at a disadvantage compared to the rest of the population, as they are more frequently exposed to institutional violence.

8. In particular, the Commission noted that security policies entail racial profiling practices that increase the risk of Afro-descendants and residents of outlying districts to arbitrary detention and abuse. This issue especially is clearly seen in places housing persons deprived of liberty—which are often overcrowded and become institutional environments that condone torture and other cruel, inhuman and degrading treatment—, such as prison centers, socioeducational facilities and therapeutic communities.

9. In addition, the Commission took note of the high level of impunity in cases of institutional violence, which, for the most part, have not seen progress in terms of investigation, conviction or reparation for the victims by the justice system. It also pointed out that, despite clear differences, this state of impunity is comparable to that observed with respect to crimes committed during the civil-military dictatorship. While the Inter-American Commission acknowledged the progress made by truth commissions at the state and federal levels in relation to cases of torture and forced disappearance, it underscored that, for the most part, these remain unpunished.

10. In its Country Report, the Commission also observed the increase in the number of threats made by authorities against the lives of journalists and media workers, especially after the 2018 general election, as well as the rise in hate crimes against persons of diverse sexual orientation, gender identity and/or expression, and diverse sexual characteristics.

11. At the institutional level, the Commission conducted a diagnostic assessment of the measures taken to respect and guarantee human rights in the country, such as the implementation of mechanisms to prevent torture and the strengthening of prosecutor's offices and national human rights institutions. It also took note of important public policies that sought, at that time, to bridge the gap of structural inequality and make progress in the fight against racism and historical discrimination, such as the programs focused on income transfer and access to housing and land, and the policies to promote Afro-descendants' and indigenous persons' access to higher education.

12. In its Country Report, the Commission issued 89 recommendations with a view to consolidating a system to promote and protect human rights, in accordance with the commitments made by the State in the inter-American and international spheres. It also issued a series of warnings to Brazil about actions that tend to undermine and even dismantle this system, such as the weakening of democratic spaces.

B. Human rights situation in Brazil after the release of the Country Report

13. From the release of the Country Report in February 2021 to date, the Commission continued to follow up on the human rights situation in Brazil on an ongoing basis, through several different mechanisms, including monitoring, precautionary measures, Article 41 letters, press releases and hearings.

14. According to Chapter V of the *2022 Annual Report*,⁴ during that year, the Commission observed that the problems and challenges identified in its early 2021 Country Report persisted and had escalated in

⁴ IACHR, [2022 Annual Report, Chapter V, Brazil](#), April 20, 2022.

Brazil and were mostly exacerbated during the October 2022 electoral process. In this context, the Commission noted with concern the acts of violence motivated by the political context, as well as hate and discriminatory speech against leaders, which deepened the existing polarization. On this account, the Commission called on the State to prevent violence by guaranteeing protection and security measures during the elections, and to properly investigate these facts.⁵

15. For its part, the Office of the Special Rapporteur for Freedom of Expression (RELE) of the Commission called on electoral authorities, political parties and persons who held or aspired to hold elected office to protect the public debate and the observance of human rights, taking into account their special responsibilities in the exercise of their right to freedom of expression. The RELE further indicated that it had received reports of various stigmatizing statements and verbal attacks having been made against the press and human rights defenders by political leaders. Moreover, it stated that it had received information about speeches that had allegedly been aimed at jeopardizing the electoral process and democratic institutions, and that could exacerbate or encourage discrimination and violence, as well as information about demonstrations that had allegedly interfered with the enforcement of judicial rulings or could have encouraged the disregard of electoral results.⁶

16. In September 2022, the Commission welcomed the special measures adopted by state institutions to carry out free and fair elections on October 2. On that occasion, it exhorted the State to make every effort to prevent and combat any act of intolerance that could result in political violence.⁷ The Commission recognizes that, despite the considerable tension experienced by the democratic system throughout the electoral process, the solid institutional framework of Brazil—based on the system of checks and balances and the Rule of Law—ensured the maintenance of democracy in the country.

17. However, in the post-election period, the Commission and the RELE condemned the rise in episodes of violence and intolerance associated with the elections and urged the State to ensure the safety of all persons, to diligently investigate said acts of violence and to foster full respect for democracy and public debate.⁸ Particularly, on January 8, 2023, serious events took place in Brasília, when thousands of supporters of the former president of the Republic stormed broke into and took over the headquarters of Congress, the seat of the executive branch and the Federal Supreme Court (STF), demanding the intervention of military forces. The Commission recalls that these acts were widely rejected in the international arena as well as in Brazil.

18. The Commission notes that these serious acts were the result of the context it had described in its press releases of August and December 2022. On that occasion, the Commission condemned the attacks on institutions and the violence that had broken out in the capital city, since this constituted an assault on democracy. The Commission also emphasized that the right of assembly must be exercised peacefully, without the use of weapons and in strict observance of the Rule of Law, stressing that all those persons involved in and responsible for the acts of violence should be investigated and punished.⁹ For its part, the United Nations High Commissioner for Human Rights condemned the “attack on the heart of Brazilian democracy” and pointed out that this had been “the culmination of the sustained distortion of facts and incitement to violence and hatred by political, social and economic actors who have been fueling an atmosphere of distrust, division, and destruction by rejecting the result of democratic elections.”¹⁰

⁵ IACHR, Press Release No. 171/22, [IACHR Asks Brazil to Prevent, Investigate, and Punish Violence in Its Upcoming Election Process](#), July 29, 2022.

⁶ IACHR, Press Release No. R192/22, [Authorities and candidates for public office in Brazil are called upon to protect public debate and freedom of expression](#), August 30, 2022.

⁷ IACHR, Press Release No. 219/22, [IACHR Calls on Brazil to Hold Peaceful Elections That Respect Representative Democracy and Human Rights](#), September 29, 2022.

⁸ IACHR, Press Release No. 266/22, [IACHR and Its Special Rapporteurship for Freedom of Expression Reject Escalation of Tension, Intolerance, and Violence after Presidential Elections in Brazil](#), December 2, 2022.

⁹ IACHR [@CIDH], (January 8, 2023), #CIDH repudia ataques às instituições e à violência em Brasília [X post], X, <https://x.com/CIDH/status/1612195722149105665>.

¹⁰ UN News, “[Asalto a la sede de los tres poderes en Brasil](#),” January 9, 2023.

C. Report on follow-up of recommendations

19. After the release of its Country Report, the Commission issued two additional reports on the follow-up of the recommendations contained therein. These were incorporated into Chapter V of both the 2022¹¹ and 2023¹² Annual Reports, in which the Commission determined the levels of compliance with each recommendation on the basis of the information submitted by the State and civil society organizations.

20. This is the third report on the follow-up of the recommendations published in the Country Report. For its preparation, on September 4, 2024, the Inter-American Commission requested information from the State of Brazil on its compliance with said recommendations, and the State submitted its response on October 22, 2024. The Commission also requested civil society organizations to report on the progress made—to their knowledge—in terms of compliance and the challenges that persisted to the implementation of the recommendations.¹³ The Commission appreciates the information submitted by both parties, which was incorporated into the instant follow-up report where appropriate.

21. To prepare this report, the Commission also took into account the information it had gathered when monitoring the overall human rights situation in the country and during public hearings, as well as inputs from the precautionary measure mechanism and the requests for information made pursuant to Article 41 of the American Convention on Human Rights, information produced by United Nations agencies, information available at other public sources and the decisions and recommendations made by specialized international entities.

22. On January 3rd, 2025, the Commission sent a copy of the preliminary draft of the instant report to the State, in pursuance of Article 59.10 of its Rules of Procedure, and requested it to submit its observations thereof. On February 7th, 2025, the Commission received the observations and comments from the State, which were incorporated herein where appropriate. The full version of the contributions is annexed hereto. The final report was approved by the Commission on March 7th, 2025.

23. This follow-up report is divided into three sections: i) Introduction; ii) Follow-up on the recommendations of the Country Report; and iii) Conclusions, progress and challenges in complying with the recommendations of the Country Report. The follow-up on the recommendations is organized around different thematic areas: the institutional underpinning of human rights; economic, social, cultural and environmental rights (ESCER); citizen security; access to justice; persons of African descent; indigenous peoples and traditional Quilombola communities; women; children and adolescents; lesbians, gays, bisexuals, trans and intersex persons (LGBTI); persons with disabilities; persons deprived of liberty; human rights defenders; human trafficking; forced internal displacement; human mobility migration, asylum and statelessness; and memory, truth and justice.

24. To analyze and determine the level of implementation of the recommendations, the Commission took into consideration the measures adopted by the State in 2024 and the current human rights context, in accordance with the *General Guidelines on the Follow-up of Recommendations and Decisions of the*

¹¹ IACHR, [2022 Annual Report. First report on the follow-up of recommendations issued by the IACHR in its report on the situation of human rights in Brazil. Chapter V](#), April 1, 2023.

¹² IACHR, [2023 Annual Report. Second report on the follow-up of recommendations issued by the IACHR in its report on the situation of human rights in Brazil. Chapter V](#), December 29, 2023.

¹³ The following organizations submitted information to the Commission: Center for Justice and International Law (CEJIL); Center for Human Rights and Popular Education (CDHEP); Center for Security and Citizenship Studies (CESeC); Comissão Arns; Conectas Direitos Humanos; Fórum Brasileiro de Segurança Pública; Grupo de Estudos de Novos Ilegalismos (GENI/UFF); Human Rights Watch; Iniciativa Negra por uma Nova Política de Drogas; Fogo Cruzado Institute; Igarapé Institute; Mundo Aflora Institute; Sou da Paz Institute; Terra, Trabalho e Cidadania Institute (ITTC); Vladimir Herzog Institute; Movimento Mães de Maio; Núcleo de Estudos da Violência da Universidade de São Paulo (NEV/USP); Plataforma Brasileira de Política de Drogas; Plataforma Justa; and Rede de Proteção e Resistência Contra o Genocídio. Furthermore, information was provided by the Public Defender's Office of the state of São Paulo (DPE/SP) and the National Human Rights Council (CNDH).

*Inter-American Commission on Human Rights.*¹⁴ Each recommendation is included in the report followed by related information that the Commission learned while carrying out its follow-up in 2024. The report then presents an analysis of the level of compliance with the recommendation and outlines the main advances made and challenges encountered in implementing it. The analysis of each recommendation concludes with guidelines on the measures that are still needed to advance their implementation or with the information that needs to be reported to assess progress in their level of compliance.

II. FOLLOW-UP ON RECOMMENDATIONS

A. The institutional underpinning of human rights

Recommendation No. 1. Strengthen the State and autonomous bodies responsible for formulating, implementing, and appraising public policies with human rights focus and geared to guaranteeing the rights of the most vulnerable groups. In particular:

- a. Restore the comprehensive budget appropriation for the Ministry of Women, the Family, and Human Rights, giving priority to the portfolios for promoting the rights of at-risk and/or vulnerable groups and pay special heed to bolstering the structure and budget of the Program to Protect Human Rights Defenders, thereby guaranteeing implementation of effective and efficacious protection measures.
- b. Allocate a specific budget appropriation for both the Federal Public Defender's Office and state Public Defenders' Offices. Organizational and managerial autonomy is a key factor for guaranteeing institutional independence and enhancing full and free access to justice for vulnerable groups.
- c. Provide all the resources and functional independence needed to operate both the National Mechanism to Prevent and Combat Torture and the corresponding state mechanism, as established in the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

25. In the 2023 follow-up report, regarding section "a" of the recommendation, the State reported the creation of new ministries and a budget allocation for the protection of human rights. Although this implies that the recommendation progressed to a partial level of compliance, the Commission underscored the lack of information on the strengthening of the National Program to Protect Human Rights Defenders (PPDDH). Regarding section "b," the State highlighted an increase in the budget allocation and the number of positions for public defenders, but the Commission noted that this was not sufficient to ensure an effective protection of human rights, especially for the most vulnerable groups, and, therefore, considered that compliance with this part remained pending. With respect to section "c" of the recommendation, the State referred to the allocation of funds for the mechanisms to prevent and combat torture, but the Commission expressed its concern over the lack of specific information on their operation, and therefore considered that compliance with this portion of the recommendation was still pending.¹⁵

26. With regard to section "a," the Commission reiterated the importance of continuing to strengthen state bodies linked to the protection and defense of human rights, as well as the PPDDH. As regards section "b," it highlighted the importance of strengthening the Federal Public Defender's Office (DPU). Finally, regarding section "c," the Commission pointed to the importance of strengthening and ensuring the operation of the bodies that make up the National System to Prevent and Combat Torture (SNPCT), as well as of guaranteeing that all states have mechanisms in place for this purpose.¹⁶

¹⁴ IACHR, [General Guidelines on the Follow-up of Recommendations and Decisions of the Inter-American Commission on Human Rights](#), OEA/Ser.L/V/II.173 Doc. 385/23, November 20, 2023.

¹⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 26–38.

¹⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 39–41.

Information on compliance

27. In relation to section “a,” the State reported increases in budget allocations to the following entities in 2024 compared to 2023: from 466.26 million Brazilian reais to 528.99 million Brazilian reais to the Ministry of Human Rights and Citizenship (MDHC), which, according to the State, demonstrates the government has prioritized expanding public policies for the promotion and protection of human rights; from 149 million Brazilian reais to 480 million Brazilian reais to the Ministry of Women; from 91.8 million Brazilian reais to 180.4 million Brazilian reais to the Ministry of Racial Equality (MIR); and from 813.10 million Brazilian reais to 1.39 trillion Brazilian reais to the National Foundation of Indigenous Peoples, an agency under the Ministry of Indigenous Peoples (MPI).¹⁷

28. Regarding the PPDDH, the State informed that the Sales Pimenta Working Group (Sales Pimenta WG), set up in 2023 to engage in a dialogue with the civil society, is working on the drafting of a national plan for the protection of human rights defenders, communicators and environmentalists. Up to the time of reporting, this working group had held nine ordinary meetings and had scheduled an additional three for the remainder of 2024. According to the State, contributions from the civil society to the aforementioned national plan are currently being systematized prior to the drafting of the final document, which will be submitted to the National Congress.¹⁸

29. Regarding section “b,” on the strengthening of the Federal Public Defender’s Office, the State reported that its budget in 2024 was 710.4 million Brazilian reais, in addition to a sum of 14.8 million Brazilian reais allocated for reparations following the floods in the state of Rio Grande do Sul. The State pointed out that the Federal Public Defender’s Office has a specific constitutional mandate to protect human rights and is operational in all states of the country, and its work is complemented by that of one national human rights public defender and 28 regional defenders. It further indicated that the Federal Public Defender’s Office has 70 service desks in place covering all states, including in 26 state capitals and 44 other cities across the country, which, according to the State, reinforces its strategic presence in certain regions. Moreover, the State reported that the Federal Public Defender’s Office has set up working groups (WGs) that operate strategically to defend human rights.¹⁹

30. Finally, in relation to section “c,” the State indicated that 102.88 million Brazilian reais were allocated exclusively for the implementation of the activities comprised in the National Program to Prevent and Combat Torture. It added that 17 states have implemented local mechanisms to prevent and combat torture, namely Acre, Amazonas, Amapá, Pará, Rondônia, Mato Grosso, Mato Grosso do Sul, Tocantins, Maranhão, Piauí, Ceará, Pernambuco, Paraíba, Alagoas, Sergipe, Espírito Santo and Rio de Janeiro. Out of these, five are fully operational: Acre, Rio de Janeiro, Rondônia, Paraíba and Sergipe. The State also pointed out that the Pernambuco mechanism was suspended in January 2023, since its creation was established by decree, which contravenes the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).²⁰

31. In addition, the Public Defender’s Office of the state of São Paulo informed the Commission that it is the entity with the largest number of prison units (182), in which one third of the persons deprived of liberty in the country are hosted (202,000). Nonetheless, the state of São Paulo has not yet created a state mechanism to prevent and combat torture. The State of Brazil also pointed out that, in 2024, the DPE/SP and the Public Prosecutor’s Office of the state of São Paulo filed a public civil action to ensure the creation of a mechanism of that sort, in response to which the court of first instance issued a preliminary decision directing both the state and the country to submit a plan to create the mechanism within six months, although the decision was reversed by the appellate court. The DPE/SP stated that, during visits to prison units in São Paulo,

¹⁷ State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

¹⁸ State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

¹⁹ State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

²⁰ State of Brazil, [Note No. 326 of October 22, 2024](#), Response to the consultation questionnaire.

National Mechanism authorities observed several human rights violations being perpetrated against persons deprived of liberty.²¹

32. Specifically on section “c,” civil society organizations stated that the report of the National Mechanism to Prevent and Combat Torture (MNPCT), in cooperation with the state mechanisms of Rio de Janeiro, Paraíba and Rondônia, allegedly indicates that Brazil is far from effectively complying with the OPCAT 16 years after its adoption. In addition, they pointed out that prevention mechanisms lack financial, institutional and structural independence, and that, out of the 23 states where prevention committees are in place, only three do not involve security forces or administrators of places of deprivation of liberty, which is a factor that negatively affects the committees’ autonomy. Other problems mentioned included the lack of resources, insufficient regulations, state control over the composition of said bodies, limited participation of the civil society and lack of inclusive measures in terms of gender, race and sexuality.²²

33. The Commission also had access to the report published by the MNPCT on the prison and mental health system in São Paulo, which described a series of violations, such as beatings, inadequate use of weapons and unsanitary conditions in several units, as well as claims of inmates suffering hunger and poor healthcare. It highlighted that, in the sites that were inspected, there were dark and dirty cells, known as the “ghost train,” and that a differentiated disciplinary regime (RDD) was applied, under which persons deprived of liberty are guarded exclusively by emergency response teams (made up of prison officers trained to act in emergency cases) and are not engaged in a plan designed to reintegrate them into society. With regard to the mental health sector, the MNPCT underscored that the Experimental Health Unit (UES) has been holding individuals under involuntary commitment for over 17 years in an environment that is a combination of an asylum and a prison. The MNPCT recommended shutting down units such as the UES and the Alcohol and Drug Users Prolonged Care Service (SCP-AD) for failing to comply with the rules of the Psychosocial Care Network (RAPS). Finally, the report stressed the urgent need for a reform of the prison and mental health system in São Paulo to guarantee the respect for the human rights and dignity of persons deprived of liberty.²³

Analysis and level of compliance with the recommendation

34. Regarding section “a” of this recommendation, the Commission appreciates the increase in the budget allocation to all ministries, which demonstrates the State’s commitment to the human rights agenda. On the issue of human rights defenders, the Commission notes that the Sales Pimenta WG is an important space for dialogue with the civil society for the participatory development of a national plan to protect human rights defenders, communicators and environmentalists. Given that this national plan is still at the drafting stage, the Commission determines that the level of compliance with this recommendation continues to be **partial**.

35. With regard to section “b,” the Commission notes the importance of all States having Federal Public Defender’s Office offices in place, covering 26 capitals and 44 cities. However, in 2023, the Commission voiced its concern over information according to which the number of public defenders in the country remained very low for the effective guarantee and protection of the human rights of all persons. It did not receive information pointing to its increase this year. In view of the above, the Commission determines that compliance with this portion of the recommendation is still **pending**. Regarding section “c,” the Commission is concerned about the fact that only five mechanisms in Brazilian states are in operation, which, added to the reports from civil society organizations and the DPE/SP, led it to determine that the level of compliance with this component is still **pending**.

Measures and information to advance compliance with the recommendation

36. To declare full compliance with section “a” of this recommendation, the Commission requires the State to continue strengthening the aforementioned ministries so as to consolidate the general human

²¹ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

²² CEJIL, Response to the request for information questionnaire, November 4, 2024.

²³ MNPCT, [Relatório de inspeções: Unidades de Privação de Liberdade de São Paulo](#), October 1, 2024.

rights agenda in the country. Additionally, it underscores the importance of developing and implementing a national plan to protect human rights defenders, communicators and environmentalists. In relation to section “b,” it highlights the importance of increasing the budget and the number of public defenders with a view to serving the entire population, especially persons in situations of special vulnerability and who are located far away from the state capitals. Finally, in order for the State to achieve compliance with section “c,” the Commission underscores the importance of strengthening the MNPCT and ensuring that all states have local mechanisms in place. It also urges the State to guarantee the participation of the civil society in these processes.

Recommendation No. 2. Ratify the following Conventions:

- a. the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity;
- b. the Inter-American Convention against All Forms of Discrimination and Intolerance.

37. In the 2023 follow-up report, the State did not provide information on the ratification of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, but it indicated that it was working to ratify the Inter-American Convention against All Forms of Discrimination and Intolerance. In this outlook, several ministries sent a note to the president of the Republic to be forwarded to the National Congress highlighting the importance of said ratification. For this reason, the Commission considered that compliance with this recommendation was pending and noted that, to move forward with its implementation, the ratification of the aforementioned international instruments was necessary.²⁴

Information on compliance

38. In the 2024 report, the State informed that it is making efforts to ratify the Inter-American Convention against All Forms of Discrimination and Intolerance, which is soon to be submitted to the National Congress.²⁵

Analysis and level of compliance with the recommendation

39. Considering that the international instruments mentioned in the recommendation have not yet been ratified, the Commission concludes that compliance with the recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

40. The Commission emphasizes that compliance with this recommendation will be achieved only with the ratification of the aforementioned international instruments and, to assess progress in its implementation, it urges the State to report on the stages completed by both the executive and the legislative branches.

B. Economic, social, cultural and environmental rights

Recommendation No. 3. Establish a coordinated fiscal policy that can redistribute the wealth needed to overcome equality gaps, correct market shortcomings, and make the investments needed to fulfill human rights, especially economic, social, and cultural rights.

- a. Revise legislation and other legal provisions that withdraw or curtail funds for policies relating to economic, social, and cultural rights.
- b. Install technical committees to evaluate fiscal projections, drawing on objective analyses by fiscal and budget experts from the best schools in the country before drafting amendments in accordance with the principles of proactive transparency, timely information, and citizen participation.

²⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 43–46.

²⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

c. Establish channels for social participation in the processes of drawing up and adopting fiscal laws and policies, especially when the adoption of those instruments could entail violating the principle that there must be no backsliding when it comes to human rights.

41. In the 2023 follow-up report, the State reported on several measures adopted to guarantee economic, social, cultural and environmental rights and reduce inequalities. Among these, it highlighted the implementation of the new Bolsa Família (Family allowance) program, the Single Registry for social programs and the Program to Urgently Reinforce the Single Registry in the Single Social Assistance System (PROCAD-SUAS), aimed at strengthening families' access to basic rights such as health, education and social assistance. In addition, the State promoted strategies against deforestation and re-established cultural policies through the Ministry of Culture. The Commission appreciated these initiatives, noting that, although they were at an initial stage, they constituted important steps forward. In view of the above, it considered that the level of compliance with section "a" of the recommendation progressed to partial, while sections "b" and "c" remained pending.²⁶

42. To have this recommendation complied with, the Commission stressed the need for the State to revise regulations that restrict the allocation of resources for policies relating to ESCER, as well as to mobilize the maximum available resources to guarantee the progressiveness of these rights, avoiding any form of regression. It also exhorted the State to submit concrete and updated information on the fiscal policy measures adopted.²⁷

Information on compliance

43. In the 2024 report, with respect to section "a," the State highlighted the implementation of the direct income transfer program titled Bolsa Família, targeted at families living in poverty and extreme poverty. According to data recorded in September 2024, 14.1 billion Brazilian reais have been transferred to 20.7 million families, which translates into 54,305 million people receiving an average sum of 648.27 Brazilian reais. The top beneficiaries of this program are women and girls, who account for 58 percent of the total number of recipients, as well as families of African descent, which make up 72.9 percent of the beneficiaries. Priority was also given to assisting 233,000 indigenous families, which is equal to 705,000 persons. Moreover, the program has assisted 1.6 million families living in territories where an emergency or a public disaster has been declared.²⁸ Additionally, it was noted that in December 2024, 5,486,157 families benefited from the "*Auxílio Gás dos Brasileiros*" program.²⁹

44. The State also reported on the Benefício de Prestação Continuada (Continuous salary benefit, BPC) program, which ensures the monthly payment of a minimum salary to older persons or persons with disabilities who cannot support themselves, or whose families cannot support them. In August 2024, the total number of beneficiaries reached 6.12 million, a 6.47 percent increase over the number served in January of the same year. In addition, the State reported that Law No. 14,809/2024 had been passed, which expanded the scope of allocation of the BPC, especially to persons living in regions affected by the collapse of dams. In December 2024, the number of beneficiaries reached 6,292,449, of whom 3,569,056 are persons with disabilities and 2,723,393 are older adults, with a total of nearly R\$ 9 million paid that month alone, considering the value of a monthly minimum wage per beneficiary. From January to December 2024, more than R\$ 102 million was paid. Regarding the BPC, the State emphasized that it is a benefit established in Article 203, Section V, of the Federal Constitution, which provides greater robustness to the policy. The budget has been sufficient to meet the demand of applicants, and there is evidence that this budget will be preserved and even increased,

²⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 49–57.

²⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 58–59.

²⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁹ State of Brazil, [Note No. 30 of February 7, 2025](#), Comments on the draft report.

based on the Annual Budget Bill for 2025, proposed by the Executive Branch and currently under consideration in the National Congress, which allocates R\$ 112.9 million.³⁰

45. It also indicated that, once it had verified the need to maintain the program, at the end of 2023, the new PROCAD-SUAS was approved. The goals of this new edition are to improve the capacity of the municipalities and the federal district to register persons at the units of the Single Social Assistance System (SUAS), as well as at households, and to promote the active search for families who are in a situation of vulnerability, including households that are made up of older persons, persons with disabilities or families of children and adolescents engaged in child labor. According to the information reported, resources started to be allocated in July 2024; 1,138 municipalities were covered by the program with a minimum amount of 12,000 Brazilian reais each, plus additional varying sums based on the number of interviews conducted at households.³¹ The State did not provide updated information on compliance with item “b”.³²

46. Regarding item “c,” the State mentioned that the SUAS has established participation channels through the National Council of Social Assistance, which includes representation from the government, social assistance organizations, and workers, as well as through the Tripartite Inter-Manager Commission, which brings together the federal government, state governments, and municipal governments.³³

47. Finally, the State explained that its current fiscal policy, regarding social assistance benefits and services, aims to ensure the sustainable care of users. The Ministry of Development and Social Assistance, Family, and the Fight Against Hunger (MDS) maintains constant dialogue with government fiscal bodies and relies on the National Council of Social Assistance (CNAS) to ensure better monitoring, evaluation, and deliberation on the fiscal and budgetary projections related to SUAS. Furthermore, social participation in the development of SUAS's fiscal and tax aspects is ensured through the CNAS and other transparency mechanisms.³⁴

Analysis and level of compliance with the recommendation

48. The Commission welcomes the information submitted on the increase in resources allocated to the Bolsa Família program, which has benefited over 50 million families across the country. It also appreciates the results achieved by the BPC program as a way of ensuring a livelihood for older persons, persons with disabilities and persons living in regions affected by the collapse of dams. Furthermore, it welcomes the creation of PROCAD-SUAS, which expands the capacity of municipalities to carry out the registration of beneficiaries at SUAS units and households, and to intensify the active search for vulnerable families.

49. The IACHR also values the guarantee of social participation in the development and oversight of social assistance policies, particularly through the CNAS. Civil society participation is essential to ensuring that policies align with the needs of SUAS users at the grassroots level. However, it highlights the lack of sufficient information on the mechanisms that guarantee social participation in the formulation of tax policies, which ultimately impact other public policies related to human rights.

50. However, the Commission notes the lack of information as to how the new fiscal policy has contributed to the guarantee of economic, social and cultural rights, which is precisely at the core of this recommendation. Additionally, it highlights that no information was submitted on compliance with sections “b” and “c.” In view of the above, the Inter-American Commission determines that the level of compliance with section “a” continues to be **partial** and that compliance with sections “b” and “c” is **pending**.

³⁰ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

³¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³³ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

³⁴ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

Measures and information to advance compliance with the recommendation

51. To guide compliance with this recommendation, the Commission prompts the State to submit updated information on the impact of the new fiscal framework on the realization of ESCER in Brazil. In addition, it emphasizes that it is necessary for the State to make available and earmark the maximum available resources to guarantee the effective exercise of ESCERs and to reduce inequality. It also recalls that, when adopting policies, measures and legal standards on the matter, the State must comply with its duty of progressiveness and the prohibition of regressiveness of these rights. Moreover, the Commission urges the State to implement accountability mechanisms to monitor how the available resources have been allotted to progressively achieve the effective realization of ESCERs. It also exhorts the State to submit concrete and updated information on the fiscal policy measures adopted, as well as on those that seek to establish technical commissions to evaluate fiscal projections and channels for the participation of the society in the drafting and approval of the recommended tax laws and policies.

Recommendation No. 4. Develop a mechanism for coordination among the three federative branches of government to guarantee the effective incorporation into domestic law and practice of international human rights standards, in relation to both the adoption of positive measures by the State and the abstaining from actions aimed to protect human rights.

52. In the 2023 follow-up report, the State reported the creation of the Inter-American Court of Human Rights Decisions and Deliberations Follow-up and Supervision Unit, attached to the National Council of Justice (CNJ). In this regard, the Commission noted that although there was no clear methodology to assess the implementation of inter-American standards by this unit, the State reported the establishment of the National Judiciary Covenant for Human Rights, aimed at promoting a culture of adoption of standards. In addition, the State reported that it had created the Human Rights Litigation Division at the Ministry of Foreign Affairs (MRE) so as to coordinate state actions with a view to complying with international human rights standards. Also, the State reported on the cooperative effort made by the MDHC and the federated states to ensure compliance with decisions of international human rights bodies by means of the National Network for Implementing Decisions made by International Human Rights Systems (RNID/SIDH).³⁵

53. The Commission observed that, although these were important mechanisms within their own scopes of action, based on the information provided, it could not verify how they ensured coordination among the three federative branches, as recommended, especially with the legislative branch. In view of that, the Inter-American Commission determined that the level of compliance with this recommendation had progressed to partial.³⁶ Furthermore, it highlighted the need for the State to develop a coordination mechanism among the three federative branches of government to guarantee the effective incorporation of international human rights parameters into domestic law.³⁷

Information on compliance

54. In the 2024 report, the State indicated that it had created the General Coordination Office of Reports and Monitoring of International Recommendations under the MDHC. The purpose of this office is to develop a computer system to monitor international decisions on human rights and to simplify their follow-up, as well as the preparation of reports. Moreover, the State reported that Brazil and Paraguay had signed a technical cooperation agreement in May 2024 for the implementation of the SIMORE Brazil. This will be carried out in two stages: in the first phase, the system will replicate the goals set for Paraguay; in the second phase, an integrated system will be developed to incorporate and share data from other information platforms, such as ObservaDH and the Multiyear Plan (PPA). The SIMORE Brazil is scheduled to be launched in May 2026, and

³⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 66.

³⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 61–65.

³⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 66.

it is expected that it will allow for a faster dissemination of information among the three branches of government.³⁸

55. The State reported on the active role of the General Coordination of International Human Rights Systems (CGSIDH), linked to the Special Advisory Office for International Affairs of the MDHC, in monitoring and implementing the decisions of the Inter-American and universal human rights systems. It added that this section has participated in technical meetings, negotiation tables, and several hearings before the Inter-American Court of Human Rights and has played a central mediation role with federal government agencies, states, and civil society to ensure and accelerate compliance with rulings and precautionary measures. The CGSIDH has also coordinated efforts to regularize the payment of compensation ordered by the Inter-American Court in the Tavares Pereira and Honorato cases, totaling R\$ 3,053,084, as well as the payment of costs and expenses to the petitioners in the *Fábrica de Fogos Santo Antônio de Jesus* case and the compensation owed in the *Barbosa de Souza* case.³⁹

56. Nevertheless, according to civil society organizations, there is no information on the implementation of mechanisms of coordination between all branches of government to ensure the effective incorporation of international human rights standards.⁴⁰

Analysis and level of compliance with the recommendation

57. The Commission welcomes the information regarding the actions of the CGSIDH to ensure compliance with decisions and the payment of compensation ordered by the Inter-American Court, primarily through the coordination of the three branches of government. It also positively values the information on the creation of SIMORE Brasil and considers the implementation of this tool an important step forward in complying with international human rights recommendations, as well as in accountability, transparency, and participation.

58. Considering that the platform is still in the development phase and that there is insufficient information on the concrete actions of the CGSIDH in its role of promoting coordination between the Legislative, Executive, and Judicial branches to ensure the effective implementation of international human rights standards, the IACHR determines that the recommendation remains **partially fulfilled**.

Measures and information to advance compliance with the recommendation

59. To advance compliance with the recommendation, the Commission prompts the State to report on the stages of implementation of the SIMORE Brazil, its features and how the three branches of government work in coordination to use the platform. It also invites the State to present more information on the performance of the CGSIDH in the process of inter-institutional coordination for the incorporation of international human rights standards.

Recommendation No. 5. Develop, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information regarding the human rights situation of persons of African descent and traditional Quilombola communities, indigenous peoples, LGBTI persons, as well as other at-risk and/or vulnerable groups, in order to create and implement appropriate laws and public policies for addressing needs and overcoming the specific hurdles those groups face. In particular, ensure that disaggregated data are collected from a variety of public and private institutions, especially those working in the following sectors: health, education, access to work, justice, social protection, and so on.

³⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁹ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

⁴⁰ Vladimir Herzog Institute, Response to the request for information questionnaire, October 2024.

60. In the 2023 follow-up report, the State informed that it had implemented differentiated registration processes for traditional and specific population groups (GPTE) in the Single Registry, so as to shed light on and address their needs. These groups included indigenous communities, homeless persons, waste pickers, Quilombolas, next of kin of persons deprived of liberty, among others. In addition, the State highlighted the inclusion of data from Quilombola and indigenous communities in the 2022 population census, although it regretted the exclusion of LGBTIQ+ persons, and committed to addressing this omission in future records. The Commission appreciated these efforts, recognizing their importance for the development of public policies that meet the specific needs of groups at risk. Therefore, it considered that the level of compliance with this recommendation had progressed to partial.⁴¹

61. In order for this recommendation to be complied with, the Commission urged the State to report on the implementation of data collection systems to gather information on LGBTIQ+ persons, as well as to provide information on the use of the ObservaDH platform as a relevant tool for this purpose. It also requested the State to collect qualitative information on the human rights situation of at-risk and/or vulnerable communities and groups to contribute to the drafting of public policies that better address their demands and needs.⁴²

Information on compliance

62. In the 2024 report, the State confirmed that the ObservaDH platform currently includes over 500 indicators, disaggregated by variables such as gender, age and race/color, and location. It also noted that 39 data submissions were made on the nine thematic areas available on the platform (children and adolescents; older persons; persons with disabilities; LGBTIQ+ persons; homeless persons; persons deprived of liberty; human rights defenders; institutional capacity; and fighting hate speech), with information obtained from over 40 databases. In addition, it reported that many of these indicators are new; that more than 100 news articles including information from the platform have already been published; and that, on average, the platform is accessed 4,000 times a month, adding up to a total of over 40,000 individual accesses up to September 2024. The State also indicated that an updated version of ObservaDH is under development, which will include new content such as educational resources and is scheduled to go live in December 2024.⁴³

63. Furthermore, the State indicated that all variables involving at least one of the vulnerable populations prioritized by MDHC policies have been mapped and that this information was gathered from over 40 government databases, such as administrative records and surveys conducted by the Brazilian Institute of Geography and Statistics (IBGE), while new databases continue to be mapped. It also stated that it currently takes into account reports produced by training and research institutions, civil society organizations, public agencies and international bodies to develop the content that is fed into the ObservaDH platform. Moreover, in December 2023, the National Human Rights Evidence Network (ReneDH) was established to expand the State's data collection capacity and to organize, produce and disseminate strategic information aimed at formulating data-based human rights policies. According to the State, 75 institutions are currently members of the network, which are part of six working groups that conduct human rights surveys. Finally, the State reported that the MDHC has established partnerships with various bodies and organizations to conduct surveys and develop content for the ObservaDH platform.⁴⁴

Analysis and level of compliance with the recommendation

64. The Commission appreciates the information sent by the State on the ObservaDH platform, including that on its scope and the databases that comprise it. In this regard, it notes that the purpose of the recommendation being followed up on is to encourage the State to implement systems for the collection of accurate and disaggregated data and statistical and qualitative information on the human rights situation of

⁴¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 68–76.

⁴² IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 77.

⁴³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

vulnerable groups, with a view to drafting legislation and public policies. Based on the foregoing, the Commission considers that the ObservaDH platform meets this goal and, therefore, determines that the recommendation has reached **full compliance**. As a result, the Commission will cease its follow-up as of next year.

Recommendation No. 6. Design, implement, and finance comprehensive housing policies aimed at both reducing the current dire shortages and improving socioeconomic equality from an ethnic/racial and gender perspective. Such policies must take into account the physical characteristics of the territory, the infrastructure in place, and the availability of equipment and basic services, as well as the interests of economic agents and the organic ties that populations establish with the breeding ground where their daily lives play out.

65. In the 2023 follow-up report, the State informed the Inter-American Commission of its plans to change its approach to the homeless population by adopting the Housing First model—which prioritizes housing, work and emancipation—as a replacement for the welfare-based model currently in place in Brazil. It also referred to the formulation of government plans to expand access to housing, including the Minha Casa, Minha Vida (My house, my life) program to help vulnerable groups purchase homes. The Commission appreciated these projects but observed that they were at a preliminary stage and that compliance with the recommendation was still pending.⁴⁵

66. To comply with the recommendation, the Commission urged the State to submit relevant, updated and accurate information on the financing and implementation of comprehensive housing policies, as well as to make sufficient budget allocations to be able to address the housing crisis in its entirety and to report thereon.⁴⁶

Information on compliance

67. In the 2024 report, the State informed the Commission about the Pró-Moradia (Prohousing) program, which is now part of the Minha Casa, Minha Vida program and is aimed at providing access to housing for vulnerable groups with a monthly family income of up to three minimum wages. It further pointed out that this is implemented through securities financing operations for states, municipalities, the federal district and public service bodies, with resources from the Service Time Guarantee Fund (FGTS) for the purchase or construction of housing units. To guarantee the right to housing, these public entities may use said funding to regularize land ownership, develop infrastructure projects, purchase construction materials, hire labor to carry out housing improvements or build new homes, among other actions.⁴⁷

68. The State also indicated that, among the measures it had implemented to reduce the housing crisis, in 2023, it resumed the Minha Casa, Minha Vida program targeted at households with a monthly income of up to 8,000 Brazilian reais. This new version seeks to find better locations for housing developments to ensure their proximity to shops, services and public transportation; increase the supply of homes; offer financing for the purchase of used properties; and promote home refurbishments by providing assistance for existing housing units. According to the State, priority will be given to households where women are heads of family or to homes of persons with disabilities; older persons; children and adolescents; persons with cancer or rare, chronic and degenerative diseases; persons in vulnerable social situations; persons who have lost their homes due to natural disasters where a state of emergency or public disaster has been declared; persons who have been involuntarily displaced due to federal public works; homeless persons; women victims of domestic and family violence; persons living in risk areas; and members of traditional or Quilombola peoples.⁴⁸

⁴⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 79–83.

⁴⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 84.

⁴⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

69. The Commission was also informed of a study conducted by the João Pinheiro Foundation (FJP), the institution responsible for calculating the housing deficit in Brazil, in cooperation with the National Housing Secretariat under the Ministry of Cities. According to this study, Brazil has a housing deficit of approximately 6 million homes. Most of this deficit lies with families with incomes of up to two minimum wages (approximately 75 percent), out of which 62.6 percent are headed by women.⁴⁹

Analysis and level of compliance with the recommendation

70. The Commission appreciates the information regarding the Minha Casa, Minha Vida program and the creation of the Pró-Moradia program, which are important to address the housing crisis unfolding in the country. Despite these plans, the country shows a significant housing deficit that must be tackled by the State through comprehensive policies, with a view to reducing precarious housing and achieving socioeconomic equity with an ethnic-racial and gender-based perspective. In view of the foregoing, the Commission considers that the level of compliance with this recommendation has progressed to **partial**.

Measures and information to advance compliance with the recommendation

71. In order for this recommendation to be fully complied with, the Commission requests the State to provide information on the way the housing policies currently in force will be implemented to address the housing deficit observed in the country.

C. Citizen security

Recommendation No. 7. Amend the protocols and guidelines for local, state, and federal law enforcement agencies to ensure they meet international standards with regard to:

- a. Permissible use of force in accordance with the principles of legality, proportionality, and absolute necessity.
- b. Exceptions in which lethal force is authorized based on objective criteria.
- c. Tactics for reducing tensions and the use of non-lethal weapons.
- d. Prohibition of torture and of cruel, inhuman, or degrading treatment or punishment.
- e. In protest situations, respect for, and facilitation of, exercise of the right of freedom of assembly, apart from containment protocols, techniques for handling situations, the use of non-lethal weapons.

72. In the 2023 follow-up report, the State did not provide specific information on the recommendation related to the use of force. However, the Commission expressed its concern over the excessive use of force in Brazil, especially against persons of African descent and during police operations. According to reports from the Public Defender's Office of the state of Rio de Janeiro, numerous cases of torture and ill-treatment were recorded, and the Federal Public Prosecutor's Office (MPF) recommended plans be devised to reduce the number of violent deaths during police operations, underscoring the need to comply with international guidelines. The Commission condemned police violence and considered it a reflection of systemic racial discrimination and noted that compliance with the recommendation remained pending.⁵⁰

73. On that occasion, the Commission urged the State to update and adapt police protocols, ensuring that they were in line with the principles of legality, proportionality and absolute necessity of the use of force, and that they respected human rights, especially during protests.⁵¹

⁴⁹ Empresa Brasil de Comunicação (EBC), Agência Brasil, "[Brasil registra déficit habitacional de 6 milhões de domicílios](#)," April 24, 2024.

⁵⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 87–93.

⁵¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 94.

Information on compliance

74. In the 2024 report, in relation to section “a” of this recommendation, the State indicated that the MDHC plays a key role in training public security personnel, focusing on the fight against structural racism, modern slavery and torture, as well as on the protection of victims and human rights defenders, journalists and environmentalists. In addition, it reported that the MDHC is part of a working group that discusses programs to reduce police lethality and victimization, and that seeks to implement guidelines on the use of force and enforce Law No. 13,060/2014, which regulates the use of less lethal weapons by public security agents. The State also underscored that said working group is divided into subgroups that address several aspects of the use of force, including training and regulatory control. In addition to the aforementioned law, the State pointed out that there are other domestic regulations governing the use of force in place: the Federal Constitution; the Criminal Code; Interministerial Regulation No. 4,226/2010, which provides guidelines on the use of force by public security agents; and Regulation No. 6,387/2016, which regulates the use of force and establishes internal commissions to control and monitor the use of force by the Federal Police.⁵²

75. The State also reported that the MDHC collaborates with the Ministry of Justice and Public Security (MJSP) in updating the training curriculum for public security agents, highlighting diversity and the prohibition of discrimination. Moreover, the National Police Academy, through the Operational Teaching Service (SEOP), offers a course titled Selective Use of Force, which is mandatory for all Federal Police positions. This training addresses legal principles, that is, necessity, proportionality and moderation in the use of force, with a focus on respecting human rights and reducing police lethality. According to the State, it is currently developing specific courses on the use of chemical agents and less lethal devices, with a particular focus on conflicts related to indigenous lands and civil unrest.⁵³

76. The State also reported that the MJSP, by means of the National Public Security Secretariat (SENASP), continues to support the ongoing training of security agents through the Unified Public Security System (SUSP). In addition, it noted that, in 2023, it had re-established the National Public Security and Citizenship Program (PRONASCI 2), which allocated funds for more than 100,000 educational grants to protect vulnerable groups and fundamental rights. Resources were also invested in graduate courses and continuing education, which reached over 210,000 professionals across the country. Training also included courses on key topics such as the defense of democracy, the fight against racism and gender inequality. According to the report of the State, over 800,000 professionals have been trained since 2005 by means of the National Network of Distance Learning in Public Security (EaD SENASP), which has offered courses that have attracted over 5 million enrollments. The State reported it has assessed the influence of this training on career development and its positive impact on public security institutions.⁵⁴

77. The State indicated that the reported measures reaffirm Brazil’s commitment to the protection of human rights and the professionalization of its security forces, as the country works in line with national and international standards to guarantee that police action is based on the principles of legality, necessity and proportionality.⁵⁵

78. In relation to section “b” of the recommendation, the State indicated that it has implemented a series of measures to reform its protocols and guidelines on the use of lethal force at the local, state and federal levels, in line with international standards. In this regard, it stated that one of its main initiatives was to revise and update its protocols on the use of force, which are based on instruments developed by the United Nations, namely the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The State pointed out that continuing education programs have been created for law enforcement agents, with a strong focus on the principles of proportionality, necessity and legality in the use of force, to prevent excessive or abusive practices, especially when lethal force is applied.

⁵² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁵³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁵⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁵⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

The State further noted that these trainings are targeted at both federal forces (the Federal Police and the Federal Highway Police) and state police, thus ensuring a consistent approach at all levels of law enforcement.⁵⁶

79. The State also affirmed that specific protocols have been drafted to address critical situations, such as police operations in densely populated urban areas, during demonstrations or in indigenous territories. According to the State, these protocols reinforce its compliance with international standards and ensure that the use of lethal force is regulated and controlled, thus preventing abuse and protecting human rights. Additionally, the State has strengthened monitoring and transparency mechanisms, such as the ObservaDH platform, to collect data and oversee the use of force by the security agents, which has bolstered transparency and social control, and has allowed for an effective assessment of the actions of law enforcement authorities so that lethal force is always used as a measure of last resort.⁵⁷

80. Furthermore, the State reported that the educational materials used in the programs delivered by the SEOP of the Federal Police, including the Selective Use of Force course, have been reviewed to ensure that the use of force observes the principles of legality, necessity, proportionality, moderation and convenience, with special emphasis on the protection of human rights. In this regard, these learning resources reiterate that the use of firearms is restricted to cases of self-defense whenever there is an impending risk of death or severe injury and prohibit the use of such weapons against unarmed persons or individuals who do not pose an immediate threat.⁵⁸

81. Regarding section “c” of the recommendation, the State referred to the information provided for sections “a” and “b” and for Recommendation No. 13.⁵⁹

82. In relation to section “d” of this recommendation, the State reported that the CNJ has implemented various initiatives to prevent and combat torture, especially in the context of custody hearings. Among these actions, the State highlighted the drafting of the *Handbook to Prevent and Combat Torture and Ill-treatment for Custody Hearings*, prepared with the support of the UNODC as part of the Justiça Presente (Present justice) program, in collaboration with the United Nations Development Program (UNDP) and the National Penitentiary Department. In addition, the CNJ released the *Handbook on Handcuffs and Other Instruments of Restraint in Court Hearings*, which provides guidelines for limiting the use of handcuffs, in line with the case law of the STF and with human rights principles. It further noted that CNJ’s Resolution No. 213/2015 limits the use of handcuffs, except where there is resistance or danger, inasmuch as it requires written justification and adherence to the principles of legality, necessity and proportionality; also, the annexed protocol sets forth that the unjustified use of handcuffs is indicative of torture or degrading treatment.⁶⁰

83. Moreover, it was reported that states have created bodies especially focused on the prevention of torture.⁶¹ The State also pointed out that the Federal Police, by means of its SEOP, offers training

⁵⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁵⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁵⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁵⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁶⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁶¹ Acre: A criminal policy committee was created, which includes a WG focused on preventing and combating torture. Prison inspections were resumed, and administrative procedures were established to process and monitor reports of torture and ill-treatment. Alagoas: The WG on preventing and combating torture is underway. Amapá: There is a WG on preventing and combating torture in place. In 2023, 51 judicial inspections in prisons were carried out to identify any abuses in the enforcement of sentences and imprisonment conditions. Amazonas: The Inter-Institutional Working Group on Confronting Torture was created in 2022 and became operational in 2023. It seeks to improve procedures to prevent and combat torture in the penitentiary and socioeducational systems. Bahia: A WG was set up in 2022 to address challenges in the penitentiary system and streamline interinstitutional flows to prevent and combat torture. Ceará: Although there is no official WG in place, a subgroup was created under the Penitentiary System Structuring Committee to work on the prevention of torture. In 2023, a training course on torture prevention and penitentiary inspections was held. Espírito Santo: An interinstitutional WG was created to strengthen the flows and procedures to prevent and combat torture against adolescents in the socioeducational system. Also, a state commission was created to prevent torture. Goiás: A WG on torture prevention was created by the Court of Justice of Goiás in 2023 by way of a decree that regulates procedures for processing reports of torture at detention centers. Maranhão: There is a WG focused on combating torture in place. Mato Grosso: The WG on preventing and combating torture is underway. Minas Gerais: There is a WG on preventing and combating torture in place, in addition to a regulation that establishes procedures for processing and monitoring reports of torture in the prison system. Pará: There is a WG on preventing and combating torture in place, and

aimed at ensuring that police action is based on legality, necessity, proportionality and moderation in the use of force. The courses include Operational Management, Navigation, Security for Dignitaries, Communication, Approach, Remotely Piloted Aircraft, Police Survival, Surveillance and Selective Use of Force. This training is aligned with international and domestic regulations, such as the Convention against Torture, the Federal Constitution of Brazil and the domestic laws regulating the use of force by public security agents. In addition, the State indicated that MJSP guidelines are followed and that control commissions have been established to supervise the use of force by the Federal Police.⁶²

84. Finally, with regard to section “e,” the State reported that the SEOP of the Federal Police has updated the instructional booklet used in the Approach course and added a chapter on the procedures for approaching persons in vulnerable situations and sensitive groups, which include LGBTQIAP+ persons and persons with disabilities. A chapter on how to support and manage persons deprived of liberty was also added, with special focus on sensitive groups and minors. The State noted that this update was based on an extensive review of materials from diverse sources—such as handbooks and guidebooks on human rights, the protection of vulnerable groups and the police approach to mental health crises—, prepared by different institutions, including the MJSP, the Federal Highway Police and the Public Defender’s Office. These materials contribute to the development of a doctrine that advocates for the protection of human rights in police work.⁶³ Subsequently, the State informed the IACHR that Portaria No. 855/2025 of the MJSP establishes, in its Articles 14 and 15, guidelines for crisis management, recommending the documentation of actions through body cameras, in accordance with the guidelines of Portaria MJSP No. 648/2024.⁶⁴

85. The State also informed that, on December 24, 2024, Decree No. 12.341 was published, which regulates the use of force and less-lethal instruments by public security professionals. According to the State, the regulation strengthens control and monitoring mechanisms for security forces through the reinforcement of the internal affairs and ombudsman offices within public security institutions. It regulates the use of firearms and non-lethal weapons, approaches, home searches, and the actions of penitentiary police in prisons. Furthermore, it assigns responsibility to the MJSP to create complementary regulations, train agents, disseminate the rules, and monitor their application. The decree also emphasizes that lethal force should only be used as a last resort, prioritizing the progressive use of force and avoiding any form of discrimination. It also stipulates that incidents resulting in injuries or deaths must be reported in detail. The National Committee for Monitoring the Use of Force (CNMUDF) was established through Portaria No. 856/2015 of the MJSP, with representation from various bodies and civil society, to oversee and assess the implementation of public security policies. Additionally, the transfer of funds for actions related to the use of force will be conditional upon compliance with these guidelines.⁶⁵

86. The Commission had access to publicly available information on the progress made in the process of formulating a national policy on the use of police force, in which the MDHC, the MJSP and the MIR are involved. This policy discusses the use of less lethal mechanisms, i.e., weapons with less damage potential, in police intervention, as well as the adoption of protocols to guide police action. According to the State, these guidelines seek to provide the police with a legal basis for the use of said equipment and to govern their actions.⁶⁶

a technical cooperation agreement was signed in 2023 to implement a prevention protocol in prisons. Piauí: There is a Counseling Program for Torture Case Proceedings (PAPCT) to monitor and expedite the investigation of crimes of torture at penitentiaries and detention centers for adolescents. Paraíba: The WG on preventing and combating torture is operational. Rio de Janeiro: A protocol was signed to prevent and combat torture in custody hearings, which involves interinstitutional cooperation to ensure transparency and monitoring of such cases. Rio Grande do Norte: An intersectoral WG on combating torture has been in place since 2021 and has held multiple trainings and working meetings to improve procedures for the identification and monitoring of cases of torture. Rio Grande do Sul: The WG on preventing and combating torture is underway. Sergipe: The WG on preventing and combating torture is operational. State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁶² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁶³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁶⁴ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁶⁵ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁶⁶ Agência Gov, “[Governo avança na construção de política nacional sobre o uso da força policial](#),” June 24, 2024.

87. According to the 2024 Brazilian Public Security Yearbook issued by the Brazilian Public Security Forum, the number of deaths following police actions at the national level has increased by 188.9 percent since 2013 —when the Forum began to monitor the indicator—, which amounts to 6,393 victims in 2023 alone. This means that the Brazilian police forces are responsible for the death of 17 persons a day, in contexts where it is presumed that an exclusion of liability applies, such as self-defense or strict compliance with legal duty and normal law enforcement. According to the forum, although not all Brazilian police forces present high rates of lethality, it can be stated that, in at least half of the states, deaths resulting from police action have been a concern in recent years. Furthermore, it noted that, in 2023, 13.8 percent of all intentional killings occurred as a result of police action, which constitutes a very high rate of use of force.⁶⁷

88. The Commission also had access to another report released by the same organization on the public security policy of Rio de Janeiro. According to the data presented therein, the state police need to reduce police lethality in operations by 66 percent.⁶⁸ In addition, civil society organizations informed the Commission that the MJSP launched the Body Cameras National Project, which could help bring down police violence. However, according to them, since continuous recording is no longer mandatory, the use of this equipment may not be effective. It was also noted that this topic was the subject of the public hearing titled “Human rights violations in the context of police operations,” held during the 190th period of sessions.⁶⁹

89. As regards body cameras, several organizations issued a technical note examining the use of such equipment in the state of São Paulo and its effectiveness in reducing police lethality and assault rates in more than 60 percent of cases. However, they emphasized that the purchase and installation of the equipment alone is not enough to guarantee results, inasmuch as it is necessary to meet technical specifications and to establish a protocol for its use. Different studies attribute the success achieved in São Paulo to the complete recording of the security agents’ entire shifts, but the new equipment procurement process only provides for intentional recording, that is, from the moment when each security agent decides to start recording. According to the organizations, by making this change, the government of São Paulo is compromising the results of the program and wasting public resources, since they consider that the lesser the agents’ discretionary power on the streets, the greater the impact of the cameras on the use of force.⁷⁰

90. The organizations also indicate that the period of time set for storing recordings, which is currently 90 days for routine videos and 365 days for intentional videos, is an additional obstacle to their effectiveness. Following the planned change, this period would be shortened to 30 days, which would allow for deleting material before the justice system can verify the evidence. In addition, the organizations point out that the use of artificial intelligence tools in the analysis of the recordings may lead to serious errors in certain situations.⁷¹

91. Moreover, the civil society indicated that a draft National Protocol on the Use of Force is allegedly being prepared to update Interministerial Regulation No. 4,226/2010. It also stressed that it is essential that the civil society takes part in this process, that the final protocol observes international standards and that monitoring mechanisms are created for its implementation. Furthermore, a report by the Omega Research Foundation highlighted the abuse of non-lethal weapons in contexts of deprivation of liberty, which has led to numerous deaths and serious injuries.⁷²

⁶⁷ Brazilian Public Security Forum, [Anuário Brasileiro de Segurança Pública 2024](#).

⁶⁸ Brazilian Public Security Forum, [As opções político-institucionais que reforçam a continuidade do Estado de Coisas Inconstitucional na Segurança Pública do Rio de Janeiro: diagnóstico da Segurança Pública Fluminense pós ADPF 635](#).

⁶⁹ Vladimir Herzog Institute, Response to the request for information questionnaire, October 2024.

⁷⁰ Brazilian Public Security Forum and other 17 organizations, [Nota técnica sobre edital de licitação 15/2024 que prevê a contratação de câmeras corporais para a PMESP](#), May 2024.

⁷¹ Brazilian Public Security Forum and other 17 organizations, [Nota técnica sobre edital de licitação 15/2024 que prevê a contratação de câmeras corporais para a PMESP](#), May 2024.

⁷² CEJIL, Response to the request for information questionnaire, November 4, 2024.

Analysis and level of compliance with the recommendation

92. Regarding item “a” of this recommendation, the Commission appreciates the measures presented by the State, such as mandatory training in “Selective Use of Force,” specialized courses, and the updating of the Curriculum Matrix for public security agents to include topics such as diversity and human rights. It also highlights the implementation of the PRONASCI 2 Program, which funds scholarships for the professionalization and ongoing training of agents. More specifically, the Commission notes that the new Decree No. 12.341 establishes, in Article 2, the explicit inclusion of the principles of legality, proportionality, and necessity, and determines that i) the use of force is only permitted to achieve legal objectives within the limits of the law (Art. 2, Section I); and ii) force must be applied in a differentiated manner and adjusted to the level of threat presented, prioritizing less intense means (Art. 3, Sections I and III). Based on this analysis, the Commission understands that the measures indicated by the State, especially the publication of the Decree, fully comply with this item “a” of the recommendation by incorporating international standards into the regulation. For this reason, it determines that the item has been **fully fulfilled** and will cease monitoring it starting next year.

93. Regarding item “b,” the Commission positively values the initiatives adopted by the State, such as specific protocols for critical situations and operations in urban areas, protests, and indigenous territories. It highlights that the use of firearms is limited to cases of self-defense against imminent danger. Additionally, the Commission considers that Decree No. 12.341 defines that the use of lethal force is only authorized as a last resort and under strict conditions (Art. 3, § 2). It also specifies that the use of firearms against unarmed fleeing individuals is prohibited, unless they pose an immediate risk of death or serious injury (Art. 3, § 3, Sections I and II), and that the use of firearms must be restricted to authorized professionals (Art. 3, § 4). Since the item establishes that the State must reform its protocols to allow the use of lethal force exceptionally based on objective criteria, the Commission understands that item “b” of the recommendation has been **fully fulfilled** and will cease monitoring it starting next year.

94. Regarding item “c,” the Commission considers that the high number of deaths caused by public security agents demonstrates that the State has not yet been able to implement security policies that prioritize the use of non-lethal weapons. However, it takes note that the new regulation published on December 24, 2024, prioritizes communication, negotiation, and the implementation of techniques to prevent the escalation of violence (Art. 3, § 1). Furthermore, it includes the requirement to train agents annually on the differentiated use of force and non-lethal weapons (Art. 4, Section I) and the provision of non-lethal equipment for all agents on duty (Art. 6, Section III). Based on this, the Commission understands that the State complies with the item requiring the reformulation of protocols and guidelines so that security agents adopt tactics to reduce tension and the use of non-lethal weapons. Therefore, it determines that item “c” has been **fully fulfilled** and will cease monitoring it starting next year.

95. Regarding item “d,” the Commission acknowledges the initiatives implemented by the CNJ and at the state level to prevent and combat torture and recognizes the importance of establishing courses and training for security agents. On the other hand, it notes that the new Decree No. 12.341 does not explicitly address the prohibition of torture. However, it establishes as a general principle non-discrimination and respect for human rights (Art. 2, Section VII) and also mentions that force should be used with sound judgment and prudence (Art. 2, Section V). Although the State has not specifically mentioned torture, the text of the law aligns with the principles of respect for human rights. Therefore, the Commission considers that the compliance is progressing but remains **partial**.

96. Finally, regarding item “e,” the State reports that the Federal Police has updated educational materials with chapters on handling protests and protecting vulnerable groups, and also mentions specific protocols for operations during protests and civil disturbances. Regarding regulations related to the use of force in the context of social protests, although Decree No. 12.341 does not directly reference the handling of protests, its principles and general guidelines can be applied to such situations. This is because the decree aims to promote the minimization of harm and the differentiated use of force (Art. 2, Sections II and III), as well as to foster transparency and accountability through data recording and the publication of statistics on the use of

force (Art. 7, Section I). In the same vein, the Commission values the publication of Portaria MJSP 855/2025 and the provisions regarding how public security authorities should act in crisis scenarios. Based on the above, the Commission determines that item “e” progresses to **partial** compliance.

97. Although the recommendation has progressed in terms of compliance, the IACHR expresses concern over the information provided by various organizations, which reflects an alarming public security context in Brazil. The high rates of police lethality, representing 13.8% of all intentional violent deaths, and the improper use of non-lethal weapons in detention contexts highlight structural failures in the implementation of rules governing the use of force. While progress is acknowledged in training and the creation of protocols, the lack of effective oversight, the discretionary handling of equipment such as body cameras, and ongoing abuses during police operations raise serious concerns about the effectiveness of these measures and their alignment with international human rights standards. The Commission urges the Brazilian State to redouble its efforts to ensure the protection of fundamental rights in its public security policies.

Measures and information to advance compliance with the recommendation

98. To ensure full compliance with items “d” and “e” of the recommendation, the Commission urges the Brazilian State to strengthen oversight and sanction mechanisms in cases of torture and cruel, inhuman, or degrading treatment, especially in detention contexts and custody hearings. It is essential to ensure the effective implementation of existing manuals and protocols, such as those developed by the National Justice Council, and to guarantee continuous training of agents on human rights and international standards. Regarding the handling of protests and gatherings, it is recommended to adopt a clear and binding national protocol for the differentiated use of force, ensuring the protection of the rights to assembly and freedom of expression, as well as the mandatory and supervised implementation of body cameras in police operations. These measures should be accompanied by continuous dialogue with civil society to ensure transparency and effectiveness.

Recommendation No. 8. Adopt whatever measures are needed to exhaustively examine and amend the protocols and guidelines used by local, state, and federal agencies, making sure that the use of racial profiling and other explicit or implicit discriminatory practices on grounds of ethnic/racial or national origin, or other grounds, are expressly punished.

99. In the 2023 follow-up report, the State reported on the creation of a working group linked to the CNJ that established guidelines for the identification of persons in criminal proceedings, with the purpose of avoiding misidentification and reducing structural racism. These guidelines include the mandatory recording of identification procedures and the collection of evidence before subjecting someone to this process, in addition to requiring self-declarations of race/color from victims, witnesses and persons under investigation. The State also highlighted the ongoing trial of Habeas Corpus No. 208,240 at the Federal Supreme Court, which addresses the unconstitutionality of racial profiling in a case of police racism. The Inter-American Commission welcomed these measures and noted that they constituted progress towards compliance with the recommendation. Due to the above, it determined that the level of compliance with the recommendation was partial.⁷³

100. To consider that the recommendation has been complied with, the Commission indicated that it was necessary for the State to continue adopting measures to reform protocols and guidelines at all levels, ensuring that discriminatory practices, both implicit and explicit, were sanctioned.⁷⁴

Information on compliance

101. In its submission for the 2024 Annual Report, the State indicated that the MDHC has been working to combat structural racism in cooperation with the Fluminense Federal University (UFF) and the

⁷³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 96–99.

⁷⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 100.

Institute for the Defense of the Black Population (IDPN) to train Afro-descendant lawyers to assist Afro-descendant women deprived of liberty. The State has also been working with the Federal University of Ceará (UFC) and the Central Única das Favelas (CUFA) to promote qualification, education and training courses on leadership, employability, finance and access to technology, especially for young people, women and Afro-descendants.⁷⁵

102. Furthermore, the State indicated that the MIR is currently working to develop the National Policy for Traditional Peoples and Communities of African Origin and Terreiros, the National Policy Plan for the Roma People and the National Plan for Quilombola Territorial and Environmental Management. It also referred to the Federal Plan of Affirmative Action, created in 2023 under the federal direct public administration,⁷⁶ and reported that, in 2023 and 2024, the CNJ had approved legislation to address discriminatory practices and promote diversity and inclusion in the judiciary.⁷⁷

103. Regarding the enforceability of the guidelines for the identification of persons in criminal proceedings and processes, which are aimed at avoiding misidentification, the State reported that the CNJ had held an international seminar titled “Evidence and Criminal Justice: New Horizons for Identifying Persons” in October 2024. Its goal was to promote a deeper dialogue into the challenges of bringing specific charges in criminal investigations and assessing criminal evidence. Participants discussed topics such as racism in the criminal justice system and its impact on judicial rulings, the joint effort of criminal justice system actors to arrive at an indictment, the production of evidence and the consequences of convicting an innocent person. In addition to the seminar, a handbook on CNJ Resolution No. 484/2022 was published, which seeks to instruct judges on the application thereof. This regulation establishes guidelines on the identification of persons in criminal proceedings and processes, as well as on their assessment within the judiciary.⁷⁸

104. Furthermore, in 2023, the State referred to *Habeas Corpus* No. 208,240, which was pending before the STF. Said remedy discusses the unconstitutionality of racial profiling and the concept of “well-founded suspicion” in a case involving an Afro-descendant victim of a racist police intervention. The State reported that the *habeas corpus* remedy had been heard by the Plenary of the STF on April 11, 2024, and that the request had been denied by a majority ruling, since the justices concluded that the body search of the defendant had not been performed on the basis of racial profiling. In addition, this case set a precedent, inasmuch as personal searches without a warrant must be based on objective indicia that the person is in possession of a prohibited weapon or criminal evidence, and cannot be conducted based on race, gender, sexual orientation, skin color or physical appearance.⁷⁹

105. Notwithstanding the foregoing, civil society organizations stressed that the State has not taken effective measures to reform protocols and guidelines at the local, state and federal levels to sanction discriminatory practices, which has allowed for the common practice of state agencies to remain biased. According to the Institute for Applied Economic Research (IPEA), data show that defendants of African descent

⁷⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁷⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁷⁷ Resolution No. 497/2023: Establishes the Transformation Program to reserve positions in service contracts for vulnerable persons; Resolution No. 498/2023: Sets forth judicial protection for children and adolescents at risk of death; Resolution No. 512/2023: Reserves a minimum of 3 percent of vacancies in competitions for judiciary positions for indigenous persons; Resolution No. 513/2023: Creates the Social Responsibility Award for promoting dignity and combating discrimination; Resolution No. 518/2023: Revises the policies against harassment and discrimination in the judiciary; Resolution No. 519/2023: Establishes the Racial Equity Award for initiatives against racism in the judicial system; Resolution No. 524/2023: Outlines a protocol for the judicial handling of indigenous adolescents in conflict with the law; Resolution No. 525/2023: Promotes gender parity in appellate courts; Resolution No. 532/2023: Protects the right to a diverse sexual orientation or gender identity in cases of adoption or guardianship; Resolution No. 538/2023: Adapts the Anti-Harassment Policy and the Code of Ethics of the judiciary; Resolution No. 540/2023: Promotes gender parity and racial diversity in the judiciary; Ordinance No. 73/2024: Creates a group to develop race-sensitive judicial protocols; Ordinance No. 119/2024: Establishes the National Committee on Older Persons and Intersectionality; Ordinance No. 103/2024: Launches the Accessibility and Inclusion Program for persons with disabilities; Ordinance No. 566/2024: Extends leave periods for single parents and same-sex couples; Resolution No. 561/2024: Strengthens the health and accessibility policy for judicial employees. State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁷⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁷⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

are allegedly approached by police more frequently and face searches without a warrant. In this regard, it was noted that the argument of “well-founded suspicion,” which underpins police action, is allegedly not challenged in the judicial system, which is thus perpetuating a structural bias. The Black Brazilian Population Security Project reports that very few allegations of police violence are brought to court; this is not for lack of cases, but because of the low chance of success, since the police version tends to be legitimized as “judicial truth,” which therefore reinforces systemic discrimination.⁸⁰

Analysis and level of compliance with the recommendation

106. The Commission appreciates the initiative undertaken by the MDHC to increase the capacity of the State to care for Afro-descendant women deprived of liberty, as well as the initiatives under development by the MIR, such as the National Policy for Traditional Peoples and Communities of African Origin and Terreiros. The Commission also welcomes the creation of the CNJ regulations reported by the State to address discriminatory practices and promote diversity and inclusion in the judiciary. Moreover, it appreciates the training delivered by the CNJ on the identification of persons, which made it possible to discuss, among other issues, racism in the criminal justice system and its impact on judicial rulings. In addition, the Inter-American Commission notes that the drafting of the handbook on the enforceability of CNJ Resolution No. 484/2022 is an important measure to guarantee the implementation of the guidelines for the identification of persons in criminal proceedings and processes.

107. However, the Commission also draws attention to the STF’s ruling overruling *Habeas Corpus* No. 208,240 and its impact on the fight against racism in Brazil, taking into account how complex this issue is in the country and that young men, Afro-descendants and persons living in peripheral areas are the main victims of police violence and deprivation of liberty, for which the criminal justice system is yet to find effective solutions. The Commission also notes with concern the information highlighted by the civil society regarding structural discrimination in state bodies, especially against Afro-descendants. Based on the foregoing, it considers that the level of compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

108. To consider that the recommendation has been fully complied with, the Commission underscores the need for the State to continue adopting measures to reform protocols, guidelines and practices thoroughly and at all levels, ensuring that discriminatory practices, both implicit and explicit, are sanctioned. Such reforms must guarantee that racial profiling is no longer a tool used by justice operators across the country to replicate racism.

Recommendation No. 9. Take all necessary measures to prevent violence against LGBTI persons, as well as to investigate and punish such violence with all due diligence, regardless of whether it is perpetrated in a family setting, within the community, or in the public sphere, including educational and health establishments.

109. In the 2023 follow-up report, the Commission did not receive information from the State on compliance with this recommendation related to the protection of LGBTI persons. However, it took note of the decision of the STF of August 2023 that equated acts of homophobia and transphobia with the crime of racial slur. The Court also acknowledged that the Congress had failed to criminalize discrimination based on gender identity and sexual orientation. Despite the progress made in case law, the Commission voiced its concern over the fact that Brazil continued to be the country with the highest rate of violent deaths of LGBTI persons, with one death every 34 hours. Since no specific information was submitted by the State, the Inter-American Commission considered that compliance with the recommendation remained pending.⁸¹

⁸⁰ CEJIL, Response to the request for information questionnaire, November 4, 2024.

⁸¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 102–104.

110. To have the State comply with the recommendation, the Commission indicated it needed to implement measures aimed at preventing and punishing violence against LGBTI persons. These measures included, for example, amending laws, creating support services for victims of violence, training law enforcement authorities on LGBTI issues or promoting zero tolerance of police violence against LGBTI persons.⁸²

Information on compliance

111. In 2024, the State reported on measures that seek to prevent and punish violence against LGBTI persons and highlighted some implemented by the MDHC. The State referred to a working group called Confronting Discrimination against LGBTQIA+ Persons in Digital Environments, which was set up to analyze discrimination on digital platforms and plan effective strategies to combat violence. Secondly, the State referred to the working group called LGBTQIA+ Memory and Truth, which was created to investigate human rights violations suffered by this group throughout the history of Brazil and develop public policies to eradicate violence against them.⁸³

112. The State also reported on Technical Cooperation Agreement No. 134/2024, which sets forth the implementation of the Rogéria Form at the national level. This form serves as an instrument to record emergencies and situations of imminent risk affecting LGBTQIA+ persons, and was signed by the CNJ, the National Council of the Public Prosecutor's Office (CNMP), the MDHC and the MJSP. The purposes of this agreement are to strengthen risk assessment to prevent and address violence against LGBTQIA+ persons by simplifying coordination between public security agencies, justice bodies and protection networks, and to promote early and expert action to avoid repetition of acts of violence and discrimination based on sexual orientation, gender identity or sexual characteristics, with a focus on intersectionality. Also, this measure includes a virtual course to train the stakeholders that will make use of the form, an awareness-raising online seminar and the creation of a protocol to process cases of LGBTQIAphobia.⁸⁴

113. Finally, the State indicated that, although the responsibility to investigate acts of violence against LGBTI individuals is concentrated in the state-level institutions, the Ministry of Justice and Public Security (MJSP) plays a role in formulating preventive policies and strengthening the investigative capacity of public security institutions, promoting a culture of respect for human rights. In this regard, the MJSP, through the National Secretariat of Public Security (SENASP), has been implementing prevention policies that impact the protection of LGBTI individuals. For example, the National Body Camera Project uses technology to monitor the actions of public security agents, promoting greater transparency and contributing to the reduction of abusive practices and discrimination. Furthermore, the Force Use Qualification Project, currently under development, aims to establish clear guidelines that ensure the actions of public security professionals align with international and national human rights standards, guaranteeing the protection of LGBTI individuals.⁸⁵

Analysis and level of compliance with the recommendation

114. The Commission acknowledges the initiatives presented by the State in the fight against violence against LGBTI individuals. In particular, it values the initiatives by the MJSP aimed at strengthening prevention and investigation mechanisms, which undoubtedly have an impact on the human rights of LGBTI individuals. However, it highlights that it lacks sufficient information to assess whether these measures have had a real impact on the prevention, investigation, and sanctioning of violence against this group of people in the country, reducing violence rates. In line with the above, the Commission considers that the recommendation remains **pending** compliance.

⁸² IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 105.

⁸³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁸⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁸⁵ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

Measures and information to advance compliance with the recommendation

115. To move forward with the implementation of this recommendation, the Commission urges the State to share information on the impact of the aforementioned policies or other additional policies for combating and reducing violence against LGBTI persons in the country.

Recommendation No. 10. Enforce federal legislation with a view to requiring proper training for law enforcement agents and agencies at the local level, as well as for justice operators (including judges, prosecutors, public defenders and other state and federal court personnel), in human rights obligations regarding non-discrimination and combating implicit prejudice, along with other kinds of training to get rid of discrimination.

116. In the 2023 follow-up report, the State highlighted the activities carried out by the Inter-American Court of Human Rights Decisions and Deliberations Follow-up and Supervision Unit under the CNJ to promote inter-American standards. It also referred to the National Judiciary Covenant for Human Rights — which promotes a culture of human rights in the judiciary— and reported on the incorporation of human rights law as a required area of expertise into public selection processes for positions in the judiciary, including the jurisprudence of the inter-American system and the STF's case law. The Commission welcomed these initiatives as a commitment to the promotion and exercise of human rights in the judicial sphere and considered that the level of compliance with this recommendation had progressed to partial.⁸⁶ Nonetheless, it recalled the importance of continuing to implement legislative measures at the federal level that entailed human rights training for all officials and law enforcement agencies, with a focus on nondiscrimination and the fight against prejudice.⁸⁷

Information on compliance

117. In 2024, the State reported that the National Judiciary Covenant for Human Rights seeks to strengthen the culture of human rights in the Brazilian judiciary, with an emphasis on conventionality control. This covenant was inspired by CNJ's Recommendation No. 123 of 2022 and encourages the observance of international treaties and the jurisprudence of the Inter-American Court of Human Rights. According to the State, the first phase of the covenant, completed in 2022, included five pillars: i) to carry out a selection process conducted nationwide to identify court rulings on human rights that promoted the conventionality control; ii) to incorporate human rights law as a required area of expertise into public selection processes for positions in the judiciary, with a focus on the inter-American jurisprudence; iii) to provide training in human rights and conventionality control for judges at the federal and state levels; iv) to publish the STF Jurisprudence Booklets, which address issues relating to women's rights, LGBTI persons, indigenous peoples and freedom of expression; and v) to offer an international seminar on human rights and conventionality control.

118. In addition, the State indicated that, in 2024, it began the second phase of the national covenant with the release of new booklet volumes and the opening of a new selection process to review judicial rulings that involve different topics, including the rights of children and adolescents, women, persons deprived of liberty, the LGBTQIAP+ population, Afro-descendants and indigenous peoples, among other human rights and climate justice issues. According to the State, the covenant achieved 100 percent of its initial goals, so the second phase has started. Among other actions, this new stage involves measures to encourage the creation of Inter-American Court of Human Rights Decisions and Deliberations Follow-up and Supervision Units (UMFs) in Brazilian courts, to promote basic guidelines for institutional cooperation and to spotlight best practices related to national implementation mechanisms.⁸⁸

119. In addition, the State reported that the MJSP, by means of the National Public Security Secretariat, has implemented training programs that address the differentiated impact of racism, racial

⁸⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 107–108.

⁸⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 109.

⁸⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

discrimination, xenophobia and intolerance on women and girls, which exacerbates their vulnerability. Among these initiatives, the State underlined a course called “Anti-Racist Police,” which seeks to instill in public security personnel —especially police chiefs— an ethical approach based on respect for human rights and diversity, thus promoting changes in the organizational culture of public security.⁸⁹

120. Moreover, according to the State, the Directorate of Education and Research (DEP) has expanded its courses on assisting vulnerable communities, including specific training on approaching Quilombola communities while respecting their cultural particularities. These courses are structured around the four pillars of the National Curriculum Framework: i) Subject and Interactions in Public Security, which covers awareness and values in the context of security; ii) Society, Power, State and Public Security, which analyzes security in the social, political and democratic context; iii) Ethics, Citizenship, Human Rights and Public Security, which promotes ethical and human rights practices in public security; iv) Ethnic-Socio-Cultural Diversity, Conflict and Public Security, which addresses the management of conflicts resulting from diversity and discrimination matters. According to the State, these initiatives promote constant reflection on the role of professionals in a diverse social and political context.⁹⁰

121. Furthermore, the State reported that the General Coordinating Office of Research at the National Public Security Secretariat of the MJSP is offering specialist training programs and master’s degree courses. In addition, said office encourages thematic research, comparative studies and diagnoses that help guide public policies that seek improvement and innovation in public security, in close cooperation with the states. For the State, it is important to promote actions aimed at upskilling public security personnel (police chiefs in all states) and to develop a public security policy that validates and is governed by the National Guidelines on the Promotion and Defense of Human Rights of Public Security Authorities, as well as the democratic principles for the promotion of citizenship that structure the Rule of Law.⁹¹ Finally, the State also indicated that, in April 2024, it launched the Interdisciplinary Master’s Degree in Human Rights, with a focus on public security, and the *lato sensu* graduate course titled “Protection of Persons in Situations of Vulnerability.”⁹²

122. In turn, civil society organizations pointed out that the courses developed by the State are scattered initiatives that do not constitute mandatory and continuing training. They added that these courses are not a prerequisite to filling the positions and advancing the careers at issue. Therefore, although timely, these measures are considered limited and optional, which is not sufficient to meet the objective of the recommendation.⁹³

Analysis and level of compliance with the recommendation

123. The Commission welcomes the successful completion of the first phase of the National Judiciary Covenant for Human Rights and the beginning of its second phase, which is focused on the creation of UMFs in Brazilian courts and the promotion of basic guidelines for institutional cooperation and the dissemination of best practices regarding national implementation mechanisms. It also appreciates the training provided by the National Public Security Secretariat of the MJSP, such as the “Anti-Racist Police” course, and the specialist and master’s degree programs developed by the General Coordinating Office of Research under said secretariat.

124. Finally, the Commission commends the promotion of actions aimed at training public security personnel and structuring a policy in this regard which is governed by the National Guidelines on the Promotion and Defense of Human Rights of Public Security Authorities. However, the Commission notes that it does not have additional information on how the State is implementing training programs for other law enforcement agents, such as prosecutors and public defenders. In this regard, it stresses that adequate training

⁸⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹³ CEJIL, Response to the request for information questionnaire, November 4, 2024.

in human rights and issues related to nondiscrimination is essential for public security agents and justice operators to be able to perform their duties in such a way that prejudice does not interfere with their actions and decision-making. The Commission has also taken note of the information provided by the civil society on the subject. In view of the foregoing, the Commission considers that the level of compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

125. To guide the implementation of the recommendation, the Inter-American Commission recalls the importance of continuing to adopt education and capacity-building measures to train all justice operators, law enforcement and public security agents in human rights and nondiscrimination.

Recommendation No. 11. Prioritize the allocation of funds to intelligence actions needed to fight organized crime, criminal gangs, and militias, rather than to armed clashes with them. In particular, strive to track down actions by organized criminal groups, identifying their agents, above all by monitoring capital flows, business and financial transactions, and movements of imports and exports triggered by them, and so on.

126. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation. Therefore, the Commission determined that compliance remained pending. It also highlighted the need to prioritize the allocation of resources to the strengthening of intelligence operations to address organized crime, criminal gangs and militias.⁹⁴

Information on compliance

127. In 2024, the State reported that the MJSP, by means of the Directorate of Integrated Operations and Intelligence, had implemented the CIISP Network Program, an integrated system of public security intelligence centers aimed at contributing to the fight against organized crime, criminal gangs and militias. The network is comprised of a national center located in Brasília and five regional centers in Campo Grande, São Paulo, Curitiba, Fortaleza and Manaus, which engage public security representatives from different states and agencies. The objectives of this program are: i) to strengthen public security intelligence and restructure state agencies; ii) to share intelligence information to prevent and suppress crimes such as homicide, femicide, drug and arms trafficking, and cross-border crimes; and iii) to advise public security authorities on critical decisions and special operations. The cost of the program, which is covered by the MJSP, is approximately 4.1 million Brazilian reais per year; this figure is expected to increase to incorporate new expert agents in fields such as financial investigation and money laundering. In addition, according to information provided by the State, the network allows for an effective exchange of intelligence information to assist in coordinated actions between federal and state agencies, in response to the recommendation to step up the fight against organized crime in Brazil.⁹⁵

128. Moreover, according to the State, the MJSP —by means of the National Public Security Secretariat— has implemented a policy to tackle organized crime through cooperation among states and intelligence work. In addition, several states have set up Integrated Forces to Combat Organized Crime (FICCOs), which are comprised of various public security agencies at the state and federal level and are coordinated by the Federal Police. The FICCOs seek to: i) coordinate intelligence and operation work at the regional and international level; ii) prevent transnational crimes and serious threats to public security, such as drug and arms trafficking, robbery and extortion; iii) simplify access to shared databases and intelligence tools; and iv) promote technical training and the exchange of knowledge and experiences. The State pointed out that

⁹⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 111–113.

⁹⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

these forces work on a mutual cooperation basis and do not receive direct fund transfers from other institutions; the costs are covered by each entity concerned.⁹⁶

129. The State also reported on the Special Groups to Conduct Sensitive Investigations (GISEs), which were created by the Federal Police to investigate cases of drug and arms trafficking, and to combat criminal gangs and connected violent crimes. It indicated that there are currently 20 units in place across Brazil, with trained personnel and resources allocated by regional supervision offices and, occasionally, by the National Anti-Drug Fund (FUNAD).⁹⁷

130. Finally, in the international arena, it was reported that the International Cooperation Directorate of the Federal Police has expanded its scope of action by setting up additional posts and appointing liaison officers in institutions such as Europol and Interpol, thus optimizing the exchange of intelligence information and reinforcing investigations on organized crime. The State considers that these measures demonstrate it has prioritized intelligence work to combat organized crime, criminal gangs and militias.⁹⁸

Analysis and level of compliance with the recommendation

131. The Commission commends the State for its intelligence system and its fight against organized crime, criminal gangs and militias in the country, as well as for having allocated resources to the aforementioned agencies, as requested in the recommendation subject to follow-up. In view of the foregoing, the Commission determines that the level of compliance with this recommendation has progressed to **partial**.

Measures and information to advance compliance with the recommendation

132. To have the State fully comply with the recommendation, the Commission emphasizes the importance of continuing to prioritize the allocation of resources to intelligence operations in relation to organized crime, criminal gangs and militias.

Recommendation No. 12 Adopt measures to revert the militarization of police institutions, including:

- a. Canceling programs that allow the purchase or transfer of military equipment and weapons for local police authorities;
- b. Federal government monitoring of the military weapons delivered to local police stations, and other measures to control the distribution of military arms; and
- c. Police training in the proper use of institutional (police) equipment.

133. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation. Therefore, the Commission determined that the level of compliance remained pending. It thus exhorted the State to adopt the necessary institutional strengthening measures to reverse the militarization of police departments, based on the parameters indicated in the recommendation subject to follow-up.⁹⁹

Information on compliance

134. For the year 2024, the State reported that the 1988 Federal Constitution establishes that the Military Police are responsible for maintaining public order and the Military Fire Departments for civil defense, both serving as auxiliary forces and reserves of the Army, subordinated to the Governors of the States and the Federal District. These institutions have a military character for exceptional situations, ensuring rapid mobilization in support of the Armed Forces. Additionally, Law No. 14.751/2023 modernizes these institutions, replacing Decree-Law No. 667/1969, reinforcing hierarchy, discipline, and social control, integrating them into

⁹⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁹⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 115–117.

the Unified Public Security System (SUSP), and ensuring respect for fundamental rights. Law No. 14.735/2023 improves the structure of the Civil Police, ensuring greater independence for delegates, transparency in procedures, and enhanced training in human rights and ethics. For the State, these laws represent progress in public security, promoting modernization, efficiency, and respect for democratic principles.¹⁰⁰

135. In turn, civil society organizations pointed out to the Commission that they were not aware of any actions being taken by the State to move forward with the implementation of this recommendation and highlighted that, on the contrary, they had observed actions that deepened the militarization of the society, as reflected in the implementation of civil-military schools in some states.¹⁰¹

Analysis and level of compliance with the recommendation

136. The measures reported by the State and the comments provided by civil society organizations indicate that actions have yet to be taken to fulfill the recommendation regarding the demilitarization of the police forces. Considering this, the Commission determines that this recommendation remains **pending** compliance.

Measures and information to advance compliance with the recommendation

137. The Commission encourages the State to adopt the necessary institutional strengthening measures to reverse the militarization of police departments, based on the parameters indicated in the recommendation, especially with regard to the transfer of personnel and equipment, as well as the control of weapons for use by the military only.

D. Access to justice

Recommendation No. 13. Guarantee appropriate, quick, and comprehensive reparation for all victims of police violence and their family members, including financial support, medical and psychological care, and measures to avoid revictimization.

138. In the 2023 follow-up report, the State submitted information on the creation of the Citizen Security/Reduction of Lethal Police Violence Working Group (GT/SC) under the CNJ, which was comprised of security experts, magistrates, prosecutors and civil society representatives. This group, set up to study police lethality, issued a report on the situation of Rio de Janeiro in March 2023. In addition, the State referred to CNJ's Resolution No. 253/2018, which set forth an institutional policy to assist crime victims and guaranteed the allocation of resources for reparation and training. However, civil society organizations pointed out that, despite the progress made, serious obstacles to access to justice persisted, and the public policies to ensure psychosocial and financial support to victims of police violence were yet to be implemented. The Commission considered that, although institutional measures had been adopted, compliance with the recommendation remained pending due to the lack of specific information on the public policies established to provide support to victims and their families, as well as on the resources allocated thereto.¹⁰²

Information on compliance

139. In 2024, the State indicated that the MDHC has worked on the creation of the National Program of Psychosocial Care for Victims of State Violence, focused on safeguarding the rights of victims, offering reparation and preventing revictimization, thus ensuring victims' physical and psychological well-being. The program seeks to strengthen psychosocial care for mothers, orphans and family members affected by institutional violence resulting from action or omission on the part of security forces. According to the State, the goal is to structure and improve the care provided at the Unified Health System (SUS) and the Single Social

¹⁰⁰ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

¹⁰¹ Vladimir Herzog Institute, Response to the request for information, October 2024.

¹⁰² IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 119–123.

Assistance System (SUAS), expanding access to justice and training professionals in the prevention of institutional violence. This entails the following: i) shelters and psychosocial care spaces; ii) enhanced channels for reporting and addressing cases of violence; iii) interinstitutional collaboration among the judiciary, the Public Prosecutor's Office, public defenders' offices and civil society organizations; and iv) campaigns against revictimization and training courses for public officials.¹⁰³

140. The State added that it plans to launch the National Program of Psychosocial Care for Victims of State Violence next, which will focus on monitoring shelters linked to the SUAS and SUS networks and on training their staff. It further reported that federal and interinstitutional actions will be promoted to strengthen these networks, and that it will ensure that civil society organizations take part in the evaluation of the program. Moreover, the State indicated that a National Campaign against Secondary Victimization and Revictimization will be implemented, which will include educational activities related to health and public safety, in collaboration with the judiciary and the Public Prosecutor's Office. Also, training courses in human rights will be offered to public officials and law enforcement authorities.¹⁰⁴

141. The State also highlighted that the MDHC has launched two public calls for bids for the creation of Memory Centers for Victims of State Violence in Santos (São Paulo) and Rio de Janeiro, focused on education, data collection and the construction of historical narratives on state violence. These centers will work alongside state entities and civil society organizations to strengthen the role of mothers and families of victims of institutional violence in sharing knowledge. Their goals include collecting and recording data, designing and carrying out educational activities, constructing narratives and reconstructing historical versions of contemporary state violence.¹⁰⁵

142. Moreover, the State indicated that it has engaged in dialogue with the CNMP to support public prosecutors' offices in their actions related to victims of violence. The State reported that, in 2021, the CNMP has implemented a policy to protect and promote rights and support victims. In this context, the MDHC signed a technical cooperation agreement with the CNMP in 2023 to support the creation of centers of assistance to victims of violence by providing training and education to agents and public officials.¹⁰⁶

143. The State also reported on the activities carried out by the Citizen Police/Reduction of Lethal Police Violence Working Group, created by the CNJ in view of the Motion for Non-Compliance with Fundamental Principles (ADPF) No. 635 that is currently being reviewed by the Federal Supreme Court. This action addresses the use of force by public security agents, focusing on the reduction of lethal police violence in Rio de Janeiro, in line with the judgment of the Inter-American Court of Human Rights in *Favela Nova Brasília v. Brazil*.¹⁰⁷

144. In this regard, the State reiterated that, in 2023, the working group had submitted a detailed report to the CNJ on the situation in Rio de Janeiro, which included an assessment of the Police Lethality Reduction Plan launched by the state and recommendations for complying with the rulings of the STF and the guidelines issued by the Inter-American Court of Human Rights, after conducting visits and analyzing the complex security situation in the state. The State also noted that, according to ADPF No. 635, in November 2023, the judge-rapporteur ordered the state of Rio de Janeiro to submit a lethality reduction plan that includes the input of the WG. The measures agreed upon include an effective commitment to combat structural racism; 70 percent reduction in deaths caused by state intervention; arms control; clear procedures to communicate operations; participation of victims in investigations; mandatory use of ambulances; and collaboration with federal forces in operations and social development.¹⁰⁸

145. The State reported that the state of Rio de Janeiro submitted preliminary figures and that, following a review by the Office of the Attorney General of the Republic (PGR), a settlement hearing was

¹⁰³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁰⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁰⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁰⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁰⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁰⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

scheduled for May 7, 2024, which was attended by all the parties involved, including the MJSP and the CNJ. Following the hearing, the judge-rapporteur noted that the state of Rio de Janeiro had presented resolutions on school safety, training in tactical pre-hospital care, psychological support for police officers, arms control and the reduction of police lethality. However, the state did not specifically comment on the final report of the CNJ WG, so it was urged to do so, and a new settlement hearing was scheduled for June 18, 2024. The working group examined judicial on-duty shifts (*plantões judiciais*) and the system for monitoring warrants in Rio de Janeiro. Its investigation was divided into four areas: justice, the Public Prosecutor's Office, expert reports and the Civil Police. The CNJ's report showed a general downward trend in police lethality since the implementation of the decisions set forth in ADPF No. 635 but stressed the need to clarify the concept of "exceptionality" in police operations carried out in communities.¹⁰⁹

146. Finally, the State indicated that, in July 2024, a technical note was submitted summarizing the work of the STF, which underscored the participation of the Public Prosecutor's Office and the Public Defender's Office. The state of Rio de Janeiro requested the approval of its Police Lethality Reduction Plan, which it considers equivalent to several of its resolutions on school safety, tactical training, psychological care for police officers, arms control and the procedures for preserving incident scenes. According to the State, the final ruling regarding ADPF No. 635 was scheduled for September 2024.¹¹⁰

147. Civil society organizations reported to the Commission that, on January 1, 2023, the Access to Justice Secretariat (SAJU) was created with a view to expanding access to rights, by bringing vulnerable groups—such as Afro-descendants, indigenous peoples, women and LGBTQIA+ persons—center stage. The SAJU is responsible for upgrading and democratizing access to justice and citizenship, as well as for improving the judicial services offered to society. The work of this entity in collaboration with other government agencies and civil society organizations is aimed at streamlining the justice system by promoting actions to develop justice policies. In addition, the organizations highlighted three initiatives: i) the Support Network for Persons Affected by Institutional Violence, in partnership with the Public Defender's Office of Rio de Janeiro; ii) the diagnosis of Memories of Massacres in the Countryside (*Memória dos Massacres no Campo*), in partnership with the University of Brasília (UnB) and the Pastoral Land Commission (CPT); and iii) the Shelter Network for Mothers and Orphans Victims of Violence, in partnership with the Federal University of São Paulo (UNIFESP) and the DPE/SP.¹¹¹

148. Other organizations reported to the Commission that they observed a persistent failure by the State to promote effective policies of full reparation for victims of police violence. They indicated that, in many cases of police violence, fatal victims are not even treated as such since the rationale of *autos de resistência* (shooting by officers is justified as an act of resistance) continues to allegedly govern public institutions, even though this classification is no longer applicable. They also stated that these deaths are reportedly not adequately recorded and investigated by the State, and that national-level information on deaths that took place during police operations is not published annually, in violation of the judgment of the Inter-American Court of Human Rights in *Favela Nova Brasília v. Brazil*. In addition, civil society organizations and universities allegedly question the quality of the data submitted by states. According to the report titled *A Cor da Violência Policial: A Bala Não Erra o Alvo* (The Color of Police Violence: The Bullet Does Not Miss the Target), released by the Center for Security and Citizenship Studies, in states such as Ceará, Bahia and Rio de Janeiro, the data available on victims disaggregated by race indicates there is an unacceptable amount of missing or incomplete information, which allegedly evidences an intentional concealment of the racial dimension of the problem. The organizations state that such omission of data is an expression of institutional racism that seeks to conceal, rather than confront, the genocide of the black population in Brazil.¹¹²

149. Moreover, the civil society pointed out that, even though the classification *autos de resistência* was modified, no substantial change has been made to the recording of deaths due to state intervention, and

¹⁰⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹¹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹¹¹ Vladimir Herzog Institute, Response to the request for information, October 2024.

¹¹² CEJIL, Response to the request for information questionnaire, November 4, 2024.

no term has been consistently adopted across the country. The civil society also indicated that Regulation No. 229/2018 establishes the term “deaths due to a state agent intervention,” thus eliminating expressions such as “standing in the way” or “resisting authority,” but that the concept used for statistical purposes is still limited to deaths following alleged police self-defense. This way, for example, the deaths of children and adolescents in crossfire during operations in favelas in Rio de Janeiro are excluded from these records, and therefore do not appear in the official statistics of deaths perpetrated by state agents.¹¹³

150. The organizations added that the alleged lack of independent investigation mechanisms in cases of deaths in the context of police operations hinders access to justice and reparations. They claimed that the failure of the State to carry out impartial investigations, along with the backlog of cases in the phase of investigation, aggravated this problem. An example of this is the case of Johnatha de Oliveira, who was killed in 2014 by a police officer in Rio de Janeiro and whose trial, after almost ten years, has not been resolved yet. The civil society also reported that there are neither national policies offering financial support and medical and psychological assistance nor plans to prevent the revictimization targeted at the families of victims of police violence. Recently, the MIR launched a pilot project for providing psychosocial care, but its scope is allegedly limited and only covers two states. According to the organizations, these types of initiatives should receive more funding, be prioritized by the Federal Government and be expanded to the whole country; also, their effectiveness should be properly monitored.¹¹⁴

151. Finally, these organizations stated that, with regard to the compensations ordered under international sentences against the Brazilian State, there is no efficient process to ensure compliance and victims are often forced to undergo arduous negotiations to receive reparations. In addition, they pointed out that the recommendations issued by the Commission have not been allocated a budget, which contributes to the obstacles faced by the victims and their families.¹¹⁵

Analysis and level of compliance with the recommendation

152. The Commission welcomes the creation of the National Program of Psychosocial Care for Victims of State Violence by the MDHC as a public policy to guarantee the rights of victims, offer reparation and prevent their revictimization. In this regard, it considers it essential that the program seeks to structure and improve the care provided to victims and their families at the SUS and the SUAS while expanding their access to justice, since these services are universal and serve people across the country. The Commission also welcomes the National Campaign against Secondary Victimization and Revictimization, the initiative to create Memory Centers for Victims of State Violence and the promotion of training in human rights for public officials and law enforcement authorities.

153. Regarding the measures related to the working group on police lethality and ADPF No. 635, the Commission welcomes the information contained in the CNJ's report, according to which a general downward trend in police lethality was observed in Rio de Janeiro since the implementation of the ADPF. However, it also notes the concerning landscape of public security, especially in terms of institutional violence by security agents in Rio de Janeiro and the need to adopt effective measures to contribute to the downward trend in police lethality, in compliance with said ADPF and the judgment of the Inter-American Court of Human Rights in *Favela Nova Brasília v. Brazil*. Furthermore, the Commission voices its concern over the information submitted by the civil society, especially that indicating the lack of effective reparation policies for victims of police violence; the failure to record and disclose data on deaths during police operations, in violation of the aforementioned judgment of the Inter-American Court of Human Rights; the absence of independent investigations, which hinders access to justice; the limited support offered to the families of victims, who are not protected by any national policy; and the obstacles to receiving compensation following international sentences.

¹¹³ CEJIL, Response to the request for information questionnaire, November 4, 2024.

¹¹⁴ CEJIL, Response to the request for information questionnaire, November 4, 2024.

¹¹⁵ CEJIL, Response to the request for information questionnaire, November 4, 2024.

154. Based on the information submitted by the State and civil society organizations, the Commission considers that the State has played a positive role, inasmuch as it has implemented public policies that assist the victims of state violence. The Commission highlights, in particular, the fact that the State has adopted a broad approach and included the SUS and the SUAS in its reparation measures. Nevertheless, the Commission underscores the importance of victims having access to comprehensive reparation, including economic redress. On the reduction of police lethality, the Commission welcomes the actions taken within the scope of ADPF No. 635 to achieve this goal in Rio de Janeiro but takes note of information according to which security forces continue to act under the logic of self-defense and data that indicates that no independent and impartial investigations are being conducted, which restricts access to justice.

155. In view of the foregoing, the Commission considers that the State has taken relevant steps to guarantee reparations to the victims of police violence but observes that significant challenges persist in bringing down the rates of police violence and lethality. Thus, it determines that the recommendation is moving forward in **partial compliance**, while recognizing the challenges that persist in access to justice.

Measures and information to advance compliance with the recommendation

156. To consider that the recommendation is fully complied with, the Commission expects the State to report on the implementation of the National Program of Psychosocial Care for Victims of State Violence and its outcomes, as well as on the creation of the Memory Centers for Victims of State Violence. It also requests that the State confirm whether financial reparations are envisaged for the victims and their families, as established in the recommendation. Finally, the Commission urges the State to continue implementing effective measures to bring down the rates of police violence and to provide data on police violence and its victims across the country.

Recommendation No. 14. Establish independent mechanisms in cases involving police violence, which include participation by victims' next of kin, civil society representatives, offices of public defenders and other interested parties, in such a way as to ensure transparency in investigative and processing procedures, identification of potential obstacles to clarification of the facts, and the prosecution of perpetrators.

157. In the 2023 follow-up report, the State did not provide information on compliance with this recommendation. According to civil society organizations, external control of police activity in Brazil falls within the competence of the Public Prosecutor's Office, but investigations continue to be carried out by the police, which undermines the transparency and effectiveness of the control. In addition, they reported a lack of effective and successful operational protocols to investigate torture; racial discrimination; delays in forensic examinations; and acts of intimidation, excessive use of force and gender- and racial-based violence, including the violation of maternity rights and acts of sexual harassment against women and girls in detention. The Commission considered that compliance with this recommendation remained pending, since it did not receive information from the State on the matter. Therefore, it recommended establishing independent mechanisms to ensure transparent and effective investigations in cases of police violence.¹¹⁶

Information on compliance

158. For the 2024 report, the State underscored that, in accordance with Joint Resolution No. 2 of 2015 of the Superior Police Council, whenever the use of force in a police operation results in a crime against the physical integrity or life of a person who is offering resistance, a police investigation must be opened immediately by the relevant unit of the Federal Police to clarify the facts, and priority must be given to the processing of the case file. In addition, the State indicated that, according to Law No. 12,830/2013, the judicial police functions and the investigation of crimes carried out by the chief of police are essential and exclusive to the State. In this regard, the State argued that the charging of a crime is the exclusive responsibility of the police authority, and that it must be based on a grounded technical-legal analysis which describes the factual elements, the circumstances in which the act took place and who took part in it. The State added that the

¹¹⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 125–129.

relevant criminal investigation must be led by the chief of police, who shall be impartial and proceed under free technical-legal criteria.¹¹⁷

159. The State also referred to the SINDCRIM, a recently created system to consolidate the criminal record of officers of the Federal Police, including data from confidential investigations and state police. According to what was reported, thanks to this tool, it is possible to quickly obtain the criminal record of any officer, and information can be filtered by name, position, status of proceedings and legal details, among others. Its goal is to improve the efficiency and speed of internal investigations in the Federal Police. Moreover, the State referred to the Federal Police' COMUNICA channel, a public platform that allows for the online reporting of crimes under the jurisdiction of the Federal Police and includes a specific field for reporting crimes committed by its officers, which helps to ensure that these reports are sent to the relevant unit for verification and allows any person to report abusive conduct by officers of the Federal Police.¹¹⁸

160. Additionally, the State reported that the MDHC is currently coordinating actions to strengthen police complaints desks across the Brazilian states and to promote human rights among public security agents. Reportedly, since 2023, the MDHC has been working with the National Forum of Defenders of the Unified Public Security System (FNOSP) to improve the performance of said forum. The MDHC also supports the external control of the police forces, which is conducted by the Public Prosecutor's Office, and highlights Resolution No. 279 of the CNMP in relation thereto. Moreover, the State indicated that the National Office for the Defense of Human Rights (ONDH) encourages the Public Prosecutor's Office to exercise rigorous control over cases involving human rights violations committed by security agents.¹¹⁹ As regards the work of the CNJ, the State reported that the Department for the Monitoring and Oversight of the Prison System and the Enforcement System of Socioeducational Measures (DMF/CNJ) reviewed the information related to the CNJ's Resolution No. 253/2018, which introduces the judicial policy for providing support to victims of crimes and other violations. The resolution requires courts to set up Specialized Victim Assistance Centers, which are currently in place in 16 courts.¹²⁰

161. Finally, the State stated that the control of public security institutions in Brazil occurs in two areas: internal, managed by corregidurías, defensorías, and other oversight mechanisms, and external, primarily exercised by the Public Prosecutor's Offices of the states, according to domestic legislation. The MJSP seeks to strengthen these mechanisms, promoting greater independence, transparency, and social participation. An example is Decree No. 12.341/2024, which reinforces accountability through the strengthening of corregidurías, defensorías, and the inclusion of civil society representatives.¹²¹

162. Notwithstanding the foregoing, civil society organizations pointed out that, although the Inter-American Court of Human Rights has ruled on the responsibility of Brazil in cases involving police violence, police homicides continue to be investigated by the civilian police, and forensic experts are often members thereof and thus their independence is not guaranteed. In addition, it was noted that the CNMP was allegedly considering approving a resolution for prosecutors to lead all the investigations of murders committed by security forces, thus ensuring that victims and their families have access to updated information on investigations, except for confidential documents.¹²²

163. Other organizations indicated that the State has not yet implemented a policy that ensures the investigation of cases of police violence by an autonomous, impartial and independent body, even though the Inter-American Court of Human Rights and the STF have recognized the authority of the Public Prosecutor's Office to conduct autonomous investigations in these cases. They further noted that the CNMP was evaluating a draft resolution ordering the Public Prosecutor's Office to investigate crimes such as murders, sexual violence, torture and forced disappearances in the context of public security operations. However, this draft does not

¹¹⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹¹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹¹⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹²⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹²¹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

¹²² Human Rights Watch (HRW), Response to the request for information, October 2024.

include monitoring and oversight mechanisms, which could limit its effectiveness, as is already the case with CNMP Resolution No. 201/2019, which has not been consistently complied with, even in emblematic cases such as *Favela Nova Brasília v. Brazil*.¹²³

164. In light of this context, in July 2024, the Commission sent an Article 41 letter to the State requesting information on the acts of police violence perpetrated by the Military Police of the state of São Paulo in the Baixada Santista region, which resulted in the death of almost 40 people. The Commission also recalls the press release on the subject issued in August 2023, where it noted that such actions might constitute a pattern of extrajudicial executions by security forces in Brazil.¹²⁴

Analysis and level of compliance with the recommendation

165. The Commission welcomes the information sent by the State on the mechanisms available to investigate crimes related to life and personal integrity committed by agents of the Federal Police. It also commends the actions undertaken by the MDHC to strengthen police complaints desks across the states in Brazil and to promote human rights among public security agents, as well as its cooperation with the FNOSP and its support to the Public Prosecutor's Office in the external control of police operations. The IACHR also values the efforts of the MJSP to institutionalize measures that encourage greater accountability and mechanisms that expand the participation of civil society representatives.

166. Although the initiatives pointed out by the State are positive, inasmuch as it has established external control over the actions of security agents, the Commission takes note of the information provided by the civil society and also points to its own initiatives on the subject, such as Article 41 letters and press releases, and highlights the importance of ensuring transparency and independence in the investigation, prosecution and punishment of crimes committed against civilians by security agents of any police body, whether federal, civilian or military.

167. The Commission reaffirms that, as indicated in its country report, police violence in Brazil results from a context of systemic racial discrimination, in which law enforcement agents carry out operations in areas exposed to socioeconomic vulnerability and with high rates of Afro-descendants and youth, failing to observe international human rights standards.

168. In this regard, it is not clear how external control is guaranteed during investigations, in as much as this procedural stage is led by the police itself, nor is it clear how the State ensures the participation of victims, representatives of the civil society and representatives of the Public Defender's Office in said processes. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

169. To guide the implementation of this recommendation, the Inter-American Commission exhorts the State to submit information on how it ensures independence and transparency in the proceedings brought against public security agents for their actions related to civilians. In particular, it urges the State to indicate how these two principles are guaranteed, especially during investigations, given that these are carried out by the police. Therefore, it requests the State to provide information on the actions of the Public Prosecutor's Office in said investigations, in accordance with the judgment issued by the Inter-American Court of Human Rights. In addition, the Commission considers it important that the State report on the participation of victims' family members, representatives of the civil society, representatives of the Public Defender's Office and other stakeholders in said processes.

¹²³ CEJIL, Response to the request for information questionnaire, November 4, 2024.

¹²⁴ IACHR, Press Release No. 177/23, [IACHR Condemns the Violent Deaths of at Least 16 People in Police Operations in Brazil](#), August 8, 2023.

Recommendation No. 15. Adopt resolute measures to guarantee all women victims of violence and discrimination access to justice at every stage (reporting, investigation, and judicial proceedings), including access to information in a language and socio-cultural presentation they can understand, with trained personnel to assist them, and appropriate legal counseling.

170. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation. However, data from other sources showed a significant rise in the number of protection measures granted nationally, with an increase of 17.4 percent in São Paulo and 11.7 percent in Rio de Janeiro. The amendment of Article 19 of the Maria da Penha Law, which strengthens emergency protection measures, was also considered a positive development. Despite this progress, the Commission expressed its concern over impunity in emblematic cases, such as the murders of Marielle Franco and Bernadete Pacífico, which showed that the protection of women remained a challenge. In addition, the Commission highlighted the increase in protection measures and underscored the legislative reform, but considered that compliance with this recommendation remained pending due to the lack of detailed information from the State.¹²⁵ To have the State fully comply with this recommendation, the Commission suggested establishing and strengthening specialized units within police forces, prosecutors' offices and the judiciary for handling cases of violence against women, ensuring personnel was trained in gender and human rights, and requested specific and disaggregated data on complaints and their resolution.¹²⁶

Information on compliance

171. In the 2024 report, the State indicated that the National Secretariat for Combating Violence against Women (SENEV), under the Ministry of Women, is currently operating based on the Mulher, Viver sem Violência (Women living without violence) program, which was resumed by way of Decree No. 11,431 in 2023. The main goal of this program is to consolidate and improve public services for women in situations of violence, thus offering a coordinated and effective response through strategic collaboration with other ministries and state governments. According to the State, the program is part of the National Policy to Combat Violence against Women and provides for several key initiatives, such as:

- i. Building Homes for Brazilian Women (CMBs): These are public spaces that offer specialized multidisciplinary services, such as psychological support, legal assistance and health and justice services, thus ensuring that women in situations of violence receive comprehensive care.
- ii. Restructuring Ligue 180 (Call 180): This women assistance helpline is enhanced to offer a faster and more effective response to women seeking help, thus expanding its capacity to provide guidance and assistance in crisis.
- iii. Organizing and humanizing the way victims of sexual violence are treated: An approach that avoids revictimization is promoted, thus guaranteeing that the women affected are treated with dignity and respect.
- iv. Creating mobile care units: These units provide assistance in areas where specialized services are limited or of difficult access, thus offering guidance and support directly to the communities.
- v. Adopting measures to prevent and tackle femicides: Actions are developed with a preventive and protective approach to impede gender-based murders of women.
- vi. Continuing educational and awareness-raising campaigns: Initiatives are carried out to raise awareness in society regarding the various forms of violence against women and to foster a culture of respect and equality.¹²⁷

172. The State also reported that said program's guidelines include integrating services, mainstreaming a gender-, race- and ethnicity-based approach in public policies, sharing responsibilities among

¹²⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 130–134.

¹²⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 135.

¹²⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

federal entities and promoting autonomy and equal rights for women. In addition, priority is given to the provision of humane assistance, the respect for the dignity of individuals and the guarantee of non-revictimization. The State added that the program ensures the availability of means of transport for women to access specialized services and promotes actions to protect and guarantee women's rights, including their right to truth, memory and justice. According to the State, this comprehensive approach seeks both to provide assistance and to prevent the aforementioned situations and promote gender equality through education and the strengthening of effective public policies.¹²⁸

173. Data from the 2024 Brazilian Public Security Yearbook, which was released by the Brazilian Public Security Forum, shows that violence against women saw an increase in 2023 as compared to the previous year, since all cases of violence against women, including all different types of violence, amounted to 1,238,208 women victims over that period. According to the report, 1,467 femicides were recorded, the highest figure on record since the entry into force of Law No. 13,104/2015. The document reveals that the emergency protection measures (MPUs) created under the Maria da Penha Law seek to ensure the immediate safety of victims of domestic violence, thus preventing new attacks and promoting their physical, psychological and social protection. Furthermore, it indicates that, although MPUs can be effective in preventing violence, they are not sufficient on their own to combat violence against women, so they need to be combined with other strategies to successfully address the problem. The document also notes that the authorities' delay in responding to the requests for protection measures continues to be a challenge. And it further notes that, in 2023, there was a 21.3 percent increase in requests for protection measures, amounting to a total of 663,704 cases, plus 848,036 calls to the military police related to acts of violence against women, which works out to over 2,300 calls a day, or two calls per minute.¹²⁹

174. The Commission also learned that the 2024 yearbook made reference to Bill No. 1,904/2024, currently under review by the National Congress. This instrument determines that women who terminate their pregnancy after week 22 shall be sentenced to 6 to 20 years in prison, equating their penalty to that of a murderer, even in circumstances in which abortion is allowed by law, such as in the case of rape. However, the maximum prison sentence prescribed for rapists is 15 years —applied when the victim is under 14 years of age—, which shows that the sentences for women who have been raped and decide to terminate their pregnancy are higher than those prescribed for their aggressors. In addition, Brazil reached a record number of rape cases: 89,988 cases were reported in 2023 according to police records, which is equivalent to a rape every six minutes.¹³⁰

175. Civil society organizations also indicated that the State has not yet granted full access to justice for women victims of violence and discrimination and that victims face obstacles when trying to follow up on investigations, as observed by the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2024. These organizations noted that, although the implementation of the hybrid special trials provided for under the Maria da Penha Law could improve access to justice, the State has not moved forward with this policy. Moreover, they voiced their concern over the use of restorative justice and family constellations techniques in cases of gender-based violence, which has allegedly not been resolved by the CNJ thus far. Although the Protocol for Gender-Responsive Trials was created, there are no monitoring mechanisms in place for its implementation, which requires mandatory and continuous supervision and training to effectively improve access to justice for women and girls.¹³¹

Analysis and level of compliance with the recommendation

176. The Commission commends the measures reported by the State to address violence against women in the country and to guarantee access to justice, especially the Mulher, Viver sem Violência program, launched in 2023. However, it observes that there has been an increase in rates related to violence against

¹²⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹²⁹ Brazilian Public Security Forum, [Anuário Brasileiro de Segurança Pública 2024](#).

¹³⁰ Brazilian Public Security Forum, [Anuário Brasileiro de Segurança Pública 2024](#).

¹³¹ CEJIL, Response to the request for information questionnaire, November 4, 2024.

women, such as the number of reports and requests for protection measures. The Commission notes that this increase could mean that women have more access to information on means of reporting, although there is insufficient data to assert this fact. It further notes the considerable time taken by the justice system to grant the requested protection measures to women, which is a decisive factor that determines whether they will again be victims of violence, especially domestic violence.

177. Additionally, the Commission is deeply concerned over the processing of Bill No. 1904/2024 because of its impact on access to justice for women and girls who are victims of sexual violence in Brazil. In this regard, the Commission notes that criminalizing women or girls who are victims of rape and want to legally terminate their pregnancy is a form of institutional violence against those who are already in a situation of extreme vulnerability, and it hinders access to a fundamental right. Due to the foregoing, the Commission considers that progress has been achieved by the State, inasmuch as it has devised and implemented measures aimed at tackling violence against women and ensuring their access to justice. Notwithstanding that, the Commission is aware of the challenges faced by women and girls, as well as of the threats posed by the legislative branch to the guarantee of their access to justice. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

178. To guide compliance with the recommendation, the Commission urges the State to submit information on the impact of the measures undertaken to combat violence against women and ensure access to justice, focusing on how these measures are effective in reducing violence rates across the country. It also highlights the importance of guaranteeing the human right of access to legal abortion for all women and girls in cases of rape.

Recommendation No. 16. Decriminalize offenses against honor/reputation —contempt, calumny, defamation, and insult— and convert them in the case of government officials or cases involving the public interest into civil suits, in accordance with international standards and best practices in this field.

179. In the 2023 follow-up report, the State did not provide information on compliance with this recommendation. However, the Commission learned of various bills aimed at decriminalizing contempt, calumny, insult and defamation. Moreover, the Commission warned about the use of the judicial system to threaten journalism and prohibit or suspend the dissemination of certain information of public interest, even prior to its publication. Therefore, it determined that compliance with this recommendation remained pending and requested the State to move forward with legislative initiatives on the decriminalization of the aforementioned criminal offenses.¹³²

Information on compliance

180. In the 2024 report, the State indicated that, in 2020, the STF had recognized the constitutionality of the crime of contempt in ADPF No. 496. Although in previous judgments the STJ had established the decriminalization of contempt, the State notes that, in accordance with Article 13 of the American Convention on Human Rights, the most recent interpretation of the STF prevails.¹³³

181. On this issue, the DPE/SP reported that Brazil did not take any measures to ensure the decriminalization of offenses against honor/reputation.¹³⁴

¹³² IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 137–140.

¹³³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹³⁴ DPE/SP, Specialized Center for Prison Conditions, Response to de request for information, October 4, 2024.

Analysis and level of compliance with the recommendation

182. In view of the absence of concrete initiatives to decriminalize offenses against honor/reputation, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

183. To have the State comply with this recommendation, it is essential that it revise criminal legislation to eliminate or decriminalize offenses against honor/reputation. Additionally, the Commission highlights the importance of implementing education and training programs for judges, prosecutors and law enforcement officials on the importance of freedom of expression and the inter-American standards on the matter.

E. Persons of African descent

Recommendation No. 17. Design, implement, and finance state systems for gathering accurate and disaggregated data, and statistical and qualitative information, regarding the human rights situation of persons of African descent at the various levels of the federation and in areas such as health, education, judicial institutions, and others, in order to create and implement intersectional laws and appropriate public policies for addressing needs and overcoming the specific hurdles those persons face.

184. In the 2023 follow-up report, the State highlighted several measures it had undertaken to fight racism and promote racial equity, especially within the judiciary. A working group composed mainly of judges of African descent was created to propose actions against structural racism and to establish the National Judiciary Forum for Racial Equity (FONAER), which seeks to ensure racial equality in judicial proceedings. Also, the State underscored that it had launched the National Judiciary Covenant for Racial Equity, as well as a report showing an increase in the number of Afro-descendant judges in office. It also worked towards a commitment to transparency and the creation of a national database on affirmative-action policies, in collaboration with the Office of the Comptroller General of the Union (CGU). For this follow-up report, the State referred to the Open Government Partnership, focused on transparency and social participation, and the Juventude Negra Viva (Black Youth Alive, PjNV) plan aimed at bringing down violence against young Afro-descendants and reducing their vulnerability.

185. For their part, civil society organizations expressed that the budget allocated to the MIR is insufficient to address the serious problem of violence and racism faced by the Afro-descendant population in Brazil. Despite the efforts made, significant gaps persist in the implementation of public policies, which is why the Commission considered that the level of compliance with this recommendation had only progressed to **partial**.¹³⁵

186. To move forward with the implementation of the recommendation, the Commission highlighted the importance of extending the collection of data and disaggregated statistics to all relevant areas, not only to the Public Prosecutor's Office and the judiciary. In addition, it indicated that it was paramount to ensure adequate funding for the MIR and other entities responsible for tackling racism and promoting racial equality.¹³⁶

Information on compliance

187. In 2024, the State indicated that the MIR had been working on the collection of specific data from several ministries, based on information from the 2022 IBGE Census and the Single Registry of the Federal Government. In the field of education, the INEP has been collecting data disaggregated by race/color by means of the School Census and the Higher Education Census of 2007 and 2009, respectively, with the aim of

¹³⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 142–149.

¹³⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), para. 150.

continuously improving the quality of the information. In the field of health, race-sensitive policies have been implemented, such as the inclusion of data on HIV/AIDS, viral hepatitis and syphilis in epidemiological bulletins, in addition to the creation of online courses to address stigma and discrimination within healthcare services.¹³⁷

188. The State also reported that the FONAER had undertaken various initiatives, such as a draft National Racial Equity Policy, which would be soon assessed by the Plenary of the CNJ. It added that it regulated the indicator of performance in the promotion of racial equity (IPER) and created the 2024 Racial Equity Award to encourage innovative practices to combat racism. In addition, a scholarship program for persons of African descent was developed. Finally, the State established a working group to design a Protocol for Racial Responsive Trials as well as a working group to study and improve the judicial handling of cases related to the Quilombola land and communities.¹³⁸

189. The State further indicated that the National Judiciary Covenant for Racial Equity enjoys the full support of courts across the country. Within this framework, the State celebrated the Racial Justice and Equity Day, an initiative undertaken by the CNJ and other judicial bodies to discuss and promote measures to improve access to justice for persons of African descent, increase their representation in the judicial system and combat structural racism. Moreover, according to the State, a new Ethnic-Racial Data Registry is being compiled to update information on the judiciary workforce and improve the formulation of policies against racial inequality.¹³⁹

190. Furthermore, the State provided information on its commitment to creating a national computer system to build a database on racial-affirmative action policies in Brazil, which was included in the Sixth National Action Plan led by the Open Government Partnership. This initiative is being coordinated by the MIR and monitored by the CGU and seeks to establish collaborative and interdependent governance of ethno-racial data. It also sets forth 20 milestones to be implemented by 2027 to produce, process and show quality data in a single catalog. The catalog is currently being developed and standardized; the disclosure of the data is expected in future stages.¹⁴⁰

191. In addition, the State reported that the PJNV seeks to reduce the vulnerability and lethal violence affecting young Afro-descendants in Brazil by confronting structural racism through 11 lines of action and 217 measures agreed upon with 18 ministries. This plan was devised by an interministerial working group coordinated by the MIR and supported by the General Secretariat of the Office of the President of the Republic, and 6,000 young Afro-descendants were involved in its drafting, by means of “participative motorcades” across the country. In June 2024, the state of Ceará was the first to formally adhere to the PJNV, thus consolidating a partnership with the federal government to implement this policy. Finally, the State highlighted that the budget allocated to the MIR increased from 91.8 million Brazilian reais in 2023 to 180.4 million Brazilian reais in 2024.¹⁴¹

Analysis and level of compliance with the recommendation

192. Based on the submitted information, the Commission considers that the State has made progress in complying with this recommendation. In particular, it highlighted the collection of disaggregated data, fed by information from different ministries, the 2022 IBGE Census and the Single Registry; the implementation of policies that address the health of the Afro-descendant population, such as the inclusion of data on several diseases in epidemiological bulletins and the creation of training programs to combat stigma within healthcare services; the implementation of projects such as the National Racial Equity Policy and the IPER by the FONAER; the development of a national computer system to gather data on affirmative action policies, which is part of the Sixth National Action Plan of the Open Government Partnership and seeks

¹³⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹³⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹³⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁴⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁴¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

collaborative governance over accessible quality data. The Commission welcomes these measures and notes that the level of compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

193. To guide compliance with this recommendation, the Commission prompts the State to submit more concrete information on the effectiveness of the aforementioned actions, including the successful and sustainable implementation of the above-mentioned policies, the achievement of tangible results in relation to the reduction of inequality and discrimination, and an assessment of the impact of these measures on Afro-descendant communities.

Recommendation No. 18. Adopt special policies and affirmative actions to guarantee the enjoyment and exercise of the rights and fundamental freedoms of the persons or groups who are victims of racism, racial discrimination, and related intolerance, with a view to promoting equitable conditions for equal opportunities, and actions that foster the inclusion and advancement of those persons or groups. Affirmative actions should have a special focus on education and the labor market and be conducive not only to those persons' entry into the job market, but to their staying in it, as well.

194. In the 2023 follow-up report, the State reported on the creation of the interministerial working group to develop the National Affirmative Action Program (GTI/PNAA), which was coordinated by the MIR, with the purpose of promoting equity for Afro-descendants, indigenous persons, persons with disabilities and women. In addition, the State launched the Beatriz Nascimento Women in Science Program, which offered scholarships to women from marginalized groups, and introduced a bill to increase admission quotas to public universities. In the field of labor, it reported on the enforcement of several ordinances and laws to ensure greater inclusion of persons of African descent and promote diversity in the workplace. The Commission commended the efforts made by the State to address racial inequality and determined that the level of compliance with this recommendation had progressed to substantial partial. Therefore, it urged it to continue strengthening affirmative actions and to report on the progress achieved in educational and labor inclusion, as well as in the monitoring and evaluation of these policies.¹⁴²

Information on compliance

195. In the 2024 report, the State indicated that the interministerial working group for the creation of the Federal Affirmative Action Program (PFAA) had met monthly in 2023 and had concluded its work with the publication of Decree No. 11,785 on November 20, 2023, on Black Awareness Day. It further noted that said program is fully operational, with a steering committee in charge of its management and monitoring, and that, since its launching, three documents have been published: the interministerial working group report on the creation of the PFAA, a draft action plan and a preliminary results report. Reportedly, the steering committee is working with federal public administration bodies to develop action plans with affirmative actions.¹⁴³

196. Moreover, the State reported that, by means of Decree No. 11,446 of March 2023, the MIR created an interministerial working group to develop the Program to Combat Religious Racism and Reduce Violence and Discrimination against Traditional Peoples and Communities of African Origin and Terreiros. This proposal, which arose from discussions with the civil society, was transformed into a national policy that is currently under consideration by the government. In 2023, the MIR held five meetings about the Abre Caminhos (Open paths) project, touring all regions of Brazil to assess living conditions and promote debates on rights and territorial strengthening, which concluded in a national meeting of the aforementioned peoples in March 2024.¹⁴⁴

¹⁴² IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 152–159.

¹⁴³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁴⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

197. The State also indicated that the MIR has played a key role in updating the Quota Law by achieving the passing of Law No. 14,723/2023, which extends the implementation of this law for another ten years and improves access to the educational system for students with disabilities and students of African, Quilombola and indigenous descent. In addition, the State reported that state meetings have been held to implement antiracist education and combat discrimination within educational institutions, and that the MIR has granted scholarships to Candomblé students for graduate courses and has launched programs such as the National Terreiro Childhood Week.

198. In the field of labor, the State indicated that the MIR is promoting the expansion of quotas in the public administration and has undertaken initiatives to increase the representation of Afro-descendants in diplomatic and leadership careers. The State also reported that, under Decree No. 11,443 of 2024, it seeks to have Afro-descendants appointed to 30 percent of positions of trust within the federal public administration by 2025, which evidences an ongoing commitment to racial equality; that it is collaborating with the CGU in the creation of monitoring and evaluation systems for affirmative actions within the framework of the Open Government Partnership; that the MIR produces periodic reports to measure the effectiveness of its policies, thus ensuring results in the promotion of racial equality; and that the MIR plays a strategic role in the implementation and supervision of affirmative actions, which have a positive impact on racial equity in the Brazilian society.¹⁴⁵

Analysis and level of compliance with the recommendation

199. The Commission welcomes the information provided by the State, especially as regards the creation of the PFAA as a way to promote the rights of and equal opportunities for the Afro-descendant population, among other groups in vulnerable situations; the drafting the National Policy for Traditional Peoples and Communities of African Origin and Terreiros, which is under consideration by the government; the work led by the MIR in updating the Quota Law and extending these policies for a decade, thus improving the access of students with disabilities and students of African, Quilombola and indigenous origin to the educational system; the role of the MIR in expanding quotas in the public administration and undertaking initiatives to increase the representation of Afro-descendant persons in diplomatic and leadership careers; and, finally, the development of monitoring and evaluation systems for affirmative actions, in addition to the periodic reports issued by the MIR to measure the effectiveness of these policies.

200. The Commission highlights the importance of the above-mentioned measures but stresses the need for specific information and results as regards their implementation and how they contribute to the reduction of racism, racial discrimination and related intolerance in Brazil. Based on the foregoing, it considers that the level of compliance with this recommendation remains **substantial partial**.

Measures and information to advance compliance with the recommendation

201. To guide compliance with the recommendation, the Commission suggests that the State submit information on the impact of the creation and implementation of these measures on the reduction of racism, racial discrimination and related intolerance.

Recommendation No. 19. Bolster policies to reduce crime that pursue a comprehensive and intersectional approach, addressing factors associated with ethnic/racial origin and which heighten the risk of violent death, including poverty, sexual orientation and identity, and/or gender expression.

202. In the 2023 follow-up report, the State informed the Commission about the Juventude Negra Viva plan, designed to bring down violence against young Afro-descendants in the most vulnerable areas of Brazil. The plan was reportedly being developed with input from the community through the “participative motorcades” and was backed by Ordinance No. 11,444/2023. However, the Commission learned that the annual report of the Brazilian Public Security Forum revealed that 76.5 percent of the victims of violent deaths

¹⁴⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

and 83.1 percent of the victims of police violence in Brazil were of African descent. The Commission noted that, despite the aforementioned initiatives, serious problems related to violence and racial discrimination persisted. In addition, it observed that the lack of specific data on the effectiveness of policies in relation to intersectional factors, such as poverty and gender identity, indicated that compliance with this recommendation remained pending. The Commission urged the State to report on comprehensive policies that addressed these factors and had a positive impact on reducing violence.¹⁴⁶

Information on compliance

203. For the instant report, the State informed the Commission that, in 2024, the Federal Police, by means of the General Coordinating Office for Repression of Crimes against Human Rights and in collaboration with the National Police Academy, implemented several training initiatives focused on human rights. It further also carried out courses such as one on the promotion of human rights in police activity,” which was mandatory for advancing police careers and was available to all personnel; an on-site course on anti-racist action sharing in the police, which addressed racial inequality; and other practical courses on human rights and the appropriate use of force. In addition, the State reported on the III International Congress on Human Rights, which was held in Brazil and focused on humane assistance to vulnerable victims. It also stated that it expects that these programs will continue in 2025 to reinforce the Federal Police’ commitment to the promotion of and respect for human rights.¹⁴⁷

204. Subsequently, the State reported that, although the Federal Government does not have direct operational control over the public security institutions of the states, it seeks to strengthen policies with a comprehensive and intersectional approach, addressing factors such as inequality, structural racism, and discrimination based on sexual orientation or gender identity. PRONASCI has been restructured to prioritize areas with high violence, considering socioeconomic indicators and vulnerable populations. Additionally, the Plano Juventude Negra Viva (PJNV) aims to reduce lethal violence against black youth, articulating 11 action areas with 217 initiatives in collaboration with 18 ministries. Within this framework, the National Secretariat of Public Security (SENASP) implements measures aligned with violence prevention, such as: i) PRONASCI *Juventude/Tô de Boa Project* to prevent homicides; ii) CONVIVE Community Centers, with a new regulation approved; iii) Construction of 17 *Casas da Mulher Brasileira* to support women experiencing violence; iv) Disarmament Campaign, promoting the reduction of weapons and ammunition.¹⁴⁸

Analysis and level of compliance with the recommendation

205. The Commission appreciates the information regarding the training of Federal Police agents and especially acknowledges the measures adopted by the Federal Government aimed at strengthening public security policies. However, it highlights the persistent and high rates of violence against Afro-descendant individuals in the context of combating crime, considering the structural racism present in the country and its consequent impact on the actions of security forces, whether civilian or military. Without disregarding the context but taking into account the measures adopted to comply with the recommendation, the Commission concludes that the recommendation progresses to **partial**.

Measures and information to advance compliance with the recommendation

206. To promote compliance with this recommendation, the Commission calls on the State to continue to report on the policies implemented to reduce crime rates by adopting a comprehensive and intersectional approach that addresses factors associated with ethnicity and race, which heighten the risk of violent deaths. The factors that should be considered in these policies include poverty and sexual orientation and gender identity, among others. In addition, the State must guarantee these measures are developed under

¹⁴⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 161–166.

¹⁴⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁴⁸ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

a comprehensive and intersectional approach that allows for a positive impact on crime reduction considering the structural racism in Brazil.

F. Indigenous peoples and traditional Quilombola communities

Recommendation No. 20. Build the institutional capacities of the bodies responsible for drawing up social and territorial policies relating to indigenous and Quilombola peoples, including the National Colonization and Agrarian Reform Institute (INCRA) and the National Foundation for the Indigenous (FUNAI), and endow them with both resources and financial execution capacity.

207. In the 2023 follow-up report, the State indicated that, to strengthen the FUNAI, a dialogue was initiated with the MPI and other entities, which gave rise to a public selection process for 502 new positions and resulted in the allocation of an extraordinary sum of 146.7 million Brazilian reais to the budget of the ministry. The State also reported that 742 people were expected to be hired at the INCRA. Regarding the regularization of Quilombola lands, it reported on the launching of the Aquilomba Brasil (Turning Brazil into a *quilombo*) program, coordinated by the MIR and the Ministry of Agrarian Development and Family Farming (MDAAF), together with the National Plan for Quilombola Land Titling, with a view to expediting land titling processes. The State also referred to the creation of the Procurement Alternatives Group (GAO) under the MDAAF/INCRA, which is aimed at expanding the capacity of communities to procure land through debt enforcement, the regularization of public lands and judgments related to slave labor.¹⁴⁹

208. Also, in the 2023 follow-up report, the State highlighted Ordinance No. 11,688/2023, which re-established the Technical Chamber for the Allocation of Federal Public Lands (CTD), which works towards recognizing the rights of indigenous and Quilombola peoples, as well as promoting the sustainable use of natural resources. The State reported that, after years of stagnation (2019–2022), a task force was created, which managed to benefit 3,723 families in different states in 2023 and ensured the participation of Quilombola communities.¹⁵⁰ The Commission considered that the measures adopted sought to reinforce the institutional capacity of the FUNAI and the INCRA, acknowledged the progress achieved in relation to the titling of indigenous and Quilombola lands and stated that the level of compliance with this recommendation had progressed to partial. Finally, it directed the State to continue implementing measures to strengthen the two aforementioned bodies.¹⁵¹

Information on compliance

209. In the 2024 report, the State indicated that, for the current reporting period, the budget of the FUNAI was raised from 813.1 million Brazilian reais in 2023 to 1.07 trillion Brazilian reais, while the budget of the INCRA was raised from 2.85 million Brazilian reais in 2023 to 3.05 trillion Brazilian reais. Also, it noted that the MIR has been working together with the INCRA to finance an interoperable system that will aggregate data on Quilombola land regularization and serve as a basis for the incorporation of information produced by the institute's technical teams. According to the State, this will allow for interoperability with other information systems on Quilombola policies, so as to be accessible to the bodies that draft policies on this matter. Regarding the growth of the personnel of the FUNAI, the State stressed that 502 new positions have been created through the Single National Public Selection Process (CNPU) and that the relevant exams were taken in August 2024, the results of which were to be published in November 2024.¹⁵²

210. Moreover, the State reported that the Aquilomba Brasil program, established in March 2023, is structured around four thematic areas and 24 objectives, the first of which is the regularization of the Quilombola lands, mainly through an action plan to draft a national titling agenda. In this regard, the National Titling Agenda Working Group has held multiple meetings since April 2023, and therefore the preparation of

¹⁴⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 172–174.

¹⁵⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 168–171.

¹⁵¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 172–174.

¹⁵² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

the National Titling Plan is at an advanced stage. The State pointed out that the process of drafting the plan consisted of three stages: i) a diagnosis of the current titling procedures before the INCRA, which currently amount to over 1,800 cases; ii) a survey to gather data on titling procedures before state land institutes, with the purpose of taking joint action; and iii) a survey on overlapping territories in federal, state and municipal public areas, with a view to building a special resource allocation strategy.¹⁵³

211. The State also indicated that the budget for the regularization of the Quilombola lands for 2024 rose to 137 million Brazilian reais, the largest amount in the history of the country. Moreover, it reported that the Action Plan for the National Titling Agenda, which is in its final phase, will provide for the development of an interoperable information system, in addition to an increase in human and financial resources. Finally, the State added that, in 2023, the MIR enabled the preparation of identification and delimitation technical reports (RTIDs) in multiple states and reassessed the available resources to pay Quilombola land-related compensations in the state of Bahia.¹⁵⁴

Analysis and level of compliance with the recommendation

212. The Commission welcomes the significant budget increase allocated to the FUNAI and the INCRA in 2024, as well as the public selection process to hire additional staff for the FUNAI, which demonstrates the commitment of the State to strengthening both bodies, in accordance with the recommendation under follow-up. In the same regard, the Commission commends the creation of an interoperable land regularization system, given that it will make information accessible to the bodies in charge of formulating policies related to the subject-matter, thus optimizing management and planning.

213. The Commission also welcomes the progress made in the implementation of the Aquilomba Brasil program, especially in relation to the drafting of the National Land Titling Plan, which, according to the State, is at an advanced stage of development. In the same vein, it applauds the allocation of the largest budget in the history of Brazil for the regularization of the Quilombola lands in 2024. In view of the foregoing, the Commission considers that the level of compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

214. To guide full compliance with this recommendation, the Commission prompts the State to share information on the measures taken to continue strengthening the bodies in charge of indigenous and Quilombola land titling and regularization, specifying whether the amounts allocated are sufficient for them to be fully operational. In addition, the Commission urges the State to report on the progress made in the preparation and first steps of implementation of the National Titling Plan.

Recommendation No. 21. Mainstream an intercultural approach in government development policies that includes recognition and incorporation of the economic and social development plans pursued by indigenous peoples in their respective ancestral territories.

215. In the 2023 follow-up report, the State highlighted the creation of the MPI as a significant step forward to incorporate the perspective of indigenous peoples into social and development policies, as well as the setting up of the National Council of Indigenous Policies, aimed at overseeing and formulating public policies on the subject. The State also submitted a project to monitor mercury contamination on the Yanomami indigenous land at the Yanomami and Yekuana Leadership Forum in July 2023. Finally, it underscored the drafting of policies related to the improvement of indigenous school infrastructure. The Inter-American Commission commended all this progress, especially the creation of the MPI and the consultative body for indigenous affairs and determined that the level of compliance with this recommendation had progressed to partial. In addition, it called on the State to continue strengthening human rights institutions under an

¹⁵³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁵⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

intercultural approach that incorporated the priorities of indigenous peoples into the formulation and implementation of public policies.¹⁵⁵

Information on compliance

216. In the 2024 report, the State highlighted some public policies for the development of indigenous peoples, such as the National Policy for the Territorial Management of Indigenous Lands (PNGATI), aimed at ensuring the sustainable use of natural resources in indigenous territories; the National Indigenous School Food Program (PNAE); the Mosarambihára: Semeadores do Bem Viver para Cura da Terra (Mosarambihára: Sowers of Good Living for the Healing of the Earth) program; the Indigenous Food Purchase Program (PAA); and the Bolsa Família program.¹⁵⁶ Moreover, the State reported that, in 2023, it had resumed the processes of demarcation of indigenous lands. It also pointed out that, after the homologation by means of a presidential decree, the MPI continued working on the demarcation of the lands of Avá-Canoeiro, Rio dos Índios, Tremembé Barra do Mumbau, Arara do Rio Amônia, Uneiuxi, Kariri Xocó, Rio Gregório and Acapuri de Cima, and that it followed a procedure to homologate the demarcation of Aldeia Velha and Cacique Fontoura. In this regard, the State indicated that a total of 852,684.74 hectares of protected land were demarcated across the country and that an additional 25 demarcation processes were submitted to the MJSP for it to issue declaratory orders that delimit the territories of the indigenous lands.¹⁵⁷

217. In 2023, the FUNAI established or resumed the activities of 37 working groups for the demarcation of indigenous lands and, in that same year, the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands was set up to work on actions to remove trespassers, thus guaranteeing the security and physical, social and cultural integrity of indigenous communities and their leaders. The State reported that, so far, concrete steps have been taken in several regions, such as in the Alto Rio Guamá, Apyterewa and Trincheira Bacajá indigenous lands; also, the process of removal of trespassers is under way at the Yanomami indigenous land, and the Karipuna land is currently in the postremoval stage.¹⁵⁸

218. In particular, the State indicated that it took urgent measures in 2023, both in response to the public health crisis and to combat illegal mining on the Yanomami indigenous land. Among these, it highlighted the following: i) consultations with indigenous leaders; ii) technical visits to the most vulnerable areas; iii) the preparation of plans to remove trespassers and promote food security; iv) the reconstruction of protection centers; v) the distribution of food packages and agricultural tools; vi) investments in education and the local economy; vii) the expansion of the healthcare system by improving infrastructure and increasing in human resources to provide care to the indigenous population; viii) actions to improve the nutritional condition of children. The State also indicated that, to address the unfolding humanitarian crisis, a provisional measure was approved to allocate 210 million Brazilian reais to the MPI.¹⁵⁹

219. The State also referred to the protection of the Vale do Javari indigenous land, where a Territorial Protection Plan has been in place since 2024 to combat deforestation and illegal fishing, as well as to ensure the security of isolated indigenous peoples in the region. It further noted that, since January 2023, over 30 audits were conducted by the Vale do Javari Ethno-environmental Protection Front under the FUNAI (FPEV)/FUNAI; 154 operations were undertaken by the Federal Police with the support of the National Public Security Forces and the Brazilian Army; and four major operations were carried out by the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA).¹⁶⁰

220. The State also indicated that, in the context of the Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAM), the CTD was re-established, and that FUNAI and the MPI

¹⁵⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 176–180.

¹⁵⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁵⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁵⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁵⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁶⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

contribute to its operation. The CTD issued two resolutions in 2024 ordering the allocation of federal public lands to indigenous peoples who were claiming them. Moreover, the State reported that the MPI is currently working on the sustainable use of natural resources and on productive indigenous initiatives, according to the guidelines issued by the PNGATI, which supports the development of 13 territorial and environmental management plans (PGTAs) and is working on the implementation of 15 additional plans. Furthermore, the MPI collaborates with state secretariats on indigenous peoples to promote the incorporation of the PNGATI and is currently incorporating an intercultural approach into all its policies and programs through consultations with indigenous peoples.¹⁶¹

221. The State also informed that the STF is currently hearing on reviewing several ADPFs on issues such as the continuation of the process of demarcation of indigenous lands; the ongoing and proposed actions to remove trespassers; the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands; the Vale do Javari Territorial Protection Plan; and the CTD, especially in relation to administrative contracts, budget decentralization and workforce restoration.¹⁶²

222. Finally, the State stressed that all these actions carried out by the MPI favor indigenous methodologies, engage the main stakeholders, adopt a gender-responsive approach and respect the specificities of each person. As examples of this, the State referred to the participation of indigenous peoples in the development of the PNGATI and the drafting of the agenda for the Coordinating Office for Policies for LGBTQIA+ Indigenous Persons under the National Secretariat for the Rights of LGBTQIA+ Persons —which is attached to the MDHC—, carried out in cooperation with LGBTQIA+ indigenous movements.¹⁶³

Analysis and level of compliance with the recommendation

223. The Commission welcomes the information provided by the State on the measures taken to guarantee the rights of indigenous peoples in Brazil. In particular, it highlights the following measures: the significant budget increase for the FUNAI and the INCRA to strengthen land management and the policies to support indigenous peoples; the progress achieved in the demarcation of indigenous lands, which resulted in the protection of over 850,000 hectares and the continuation of pending demarcation processes; the implementation of concrete actions to remove trespassers from different territories; the Territorial Protection Plan to combat deforestation and ensure the security of isolated peoples; the re-establishment of the Technical Chamber for the Allocation of Federal Public Lands, which issued resolutions to allot lands to indigenous peoples; the development and adoption of territorial and environmental management plans shaped by the input of indigenous peoples through their participation and under an intercultural approach; and the promotion of the inclusion and active participation of indigenous peoples in the formulation and implementation of public policies, including those related to gender issues and the rights of LGBTQIA+ indigenous persons. In view of the foregoing, the Commission considers that the State is committed to strengthening the protection of the right to land, improving security and supporting the sustainable development of indigenous communities. Consequently, it determines that the level of compliance with the recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

224. To guide the implementation of this recommendation, the Commission recalls the importance of continuing to bolster human rights institutions, specifically in relation to safeguarding the rights of indigenous peoples in Brazil by adopting an intercultural approach; also, it underscores that it is paramount that the State prioritizes formulating and implementing public policies on the matter.

Recommendation No. 22. Adopt legislative, administrative, or other necessary measures to carry out, within a reasonable time, consultation with indigenous peoples and Quilombola tribal communities to obtain

¹⁶¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁶² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁶³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

their free, prior, and informed consent to policies, projects, and actions, including projects for the exploitation of natural resources that affect them, in accordance with international human rights standards and with the full participation of those peoples and communities. Accordingly, take measures to reconcile the consultation and consent protocols executed by the indigenous and Quilombola peoples.

225. In the 2023 follow-up report, the State informed that the PNGATI Management Committee, created in 2012, had been re-established. The State specified that this was a governance body with social participation in which the demands and proposals were discussed in light of the new indigenous policy implemented by the government, under the leadership of indigenous peoples' representatives. Although the Commission appreciated the reinstatement of the PNGATI, it noted the lack of specific information on the measures adopted to guarantee the right to prior and informed consultation in environmental licensing processes. Therefore, it considered that compliance with this recommendation remained pending and emphasized the need to receive information on the implementation of this recommendation in line with the consultation protocols developed by indigenous peoples.¹⁶⁴

Information on compliance

226. In 2024, the State reported that it plans to develop new consultation protocols, in addition to the 41 protocols already established by indigenous peoples, so as to adapt to the needs of the 300 indigenous peoples and 700 indigenous lands in the country. The State reported that the MPI will support the drafting of more than 20 consultation protocols with indigenous peoples.¹⁶⁵ Furthermore, Brazil reported that the MIR had expressed its intention to assist the public defenders' offices, the Public Prosecutor's Office and the Quilombola communities in the drafting of consultation protocols. The State indicated that the MIR had also voiced its opinion on these communities in the processes requiring consultation.¹⁶⁶

Analysis and level of compliance with the recommendation

227. The Commission welcomes the drafting of 20 consultation protocols in addition to the 41 protocols already in place. Nevertheless, it considers that it does not have any specific information on the mechanisms that guarantee that these consultation processes are aligned with international human rights standards and ensure the full participation of indigenous peoples and communities. Due to the foregoing, it concludes that compliance with the recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

228. To guide compliance with this recommendation, the Commission reiterates that it is necessary to have information on the measures adopted by the State to implement the right to consultation and for the consultation and consent protocols developed by the indigenous peoples and Quilombola communities to be standardized and aligned with inter-American standards on the matter. The Commission underscores that the development of these consultation protocols and other similar initiatives is based on the right of indigenous and tribal peoples to decide how they wish to exercise their rights, in connection with their right to free self-determination. Accordingly, the Commission invites the State to take these proposals and initiatives into consideration as part of a broad, inclusive dialogue with these groups focused on the guarantee of their rights to consultation and to free, prior, and informed consent.

Recommendation No. 23. Revise the regulations governing the granting of environmental permits or licenses, in such a way as to guarantee that the State complies with its international obligations to consult indigenous and Quilombola peoples to obtain their free, prior, and informed consent before taking steps that may impair their rights.

¹⁶⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 176–180.

¹⁶⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁶⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

229. In the 2023 follow-up report, the State informed that the MPI had contacted indigenous peoples to consult them and obtain their free, prior and informed consent on several projects, including the renewal of operating licenses and infrastructure projects such as the Belo Monte Hydroelectric Plant and the BR 319 highway. However, civil society organizations warned that, in spite of these measures, the State continued to implement policies which prevented adequate consultation and fostered development projects with negative impacts. They noted that the Belo Monte and Belo Sun cases evidenced the absence of protection and consultation measures during the licensing process. Furthermore, the Federal Senate was reportedly examining a bill which would allow for the approval of environmental licenses with no adequate prior consultation. The Commission considered that compliance with the recommendation remained pending and urged the State to provide information on how environmental licensing regulations adhere to international standards on consultation and consent.¹⁶⁷

Information on compliance

230. In 2024, the State reported that the regulations governing the issuance of environmental licenses had not been revised. It further indicated that the MIR ensures that free, prior and informed consultation processes are conducted and respected.¹⁶⁸ Additionally, the State emphasized that the right to free, prior and informed consultation is recognized as a fundamental right of the indigenous peoples in accordance with Convention 169 of the International Labor Organization (ILO), which was incorporated into the Brazilian legal system through Decree No. 5051/2024. The State added that the organizations tasked with preparing the consultation protocols cannot participate in decision-making processes, must be independent and autonomous, and cannot have vested interest in the decisions made by indigenous peoples. Moreover, the State informed that the social and cultural organization of each group is engaged during the drafting process of each consultation protocol and that, once discussions are held, the final document must be approved at a general assembly of the indigenous land. The MPI reported that it is making efforts to protect the rights of indigenous peoples and ensure their participation in the decisions which impact their territories.¹⁶⁹

231. Thanks to information from civil society organizations, the Commission learned about cases involving the use of indigenous lands by companies in which the free, prior and informed consultation process had not taken place. For instance, at a side event organized by indigenous organizations during the 167th regular session of the Inter-American Court of Human Rights held in Manaus, Brazil, in May 2024, it was reported that the Mura people had not been consulted before the issuance of an environmental license to the company Potássio do Brasil.¹⁷⁰ In the same vein, the Federal Public Prosecutor's Office recommended suspending the license granted to Castelo dos Sonhos, a gold mining project in Altamira, so that the necessary measures can be adopted to comply with the legal provisions breached, including the failure to conduct a prior, free and informed consultation with the Baú and Menkragnoti peoples.¹⁷¹ The Federal Public Prosecutor's Office also requested a judicial body to order the suspension of mining activities in areas that are of special interest to the Katukina/Kaxinawá, Nukini and Puyanawa peoples, as well as to other communities living in the Acre state, due to the absence of prior consultation.¹⁷²

Analysis and level of compliance with the recommendation

232. The Commission notes the importance of incorporating Convention 169 of the ILO into the domestic legal system. However, it voices its concern over the issuance of environmental licenses to companies, which enables the use of indigenous lands without prior, free and informed consultation, a mechanism

¹⁶⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 188–191.

¹⁶⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁶⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁷⁰ Conselho Indigenista Missionário (CIMI), "[Os pés fincados na Amazônia, indígenas Mura denunciam ações ilegais da Potássio Brasil à Corte Interamericana](#)," June 18, 2024; Conselho Indigenista Missionário (CIMI), "[Repam e Cimi se unem ao povo Mura e repudiam licenciamento para exploração de potássio sem consulta aos indígenas](#)," April 11, 2024.

¹⁷¹ Federal Public Prosecutor's Office (MPF), "[MPF recomenda suspensão da licença para o projeto de mineração de ouro Castelo dos Sonhos, em Altamira \(PA\)](#)," September 25, 2024.

¹⁷² MPF, "[MPF recorre para suspender atividades de mineração em áreas vizinhas a terras indígenas no Acre](#)," September 26, 2024.

designed to guarantee the rights of indigenous peoples. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

233. To guide compliance with this recommendation, the Commission emphasizes the need to guarantee that the State complies with its international obligations to consult indigenous and Quilombola peoples to obtain their free, prior, and informed consent before taking steps that may impair their rights.

Recommendation No. 24. Adopt all necessary measures to implement or strengthen systems for oversight and control over exploration, extractive, and development activities in a manner consistent with international human rights obligations.

234. In the 2023 follow-up report, the State informed the Commission that IBAMA had intensified its work in indigenous lands, having conducted 458 inspections, having issued 223 notifications and having levied over 66 million Brazilian reais in fines. The State also reported eviction proceedings and the fight against mining in the Yanomami indigenous land, as well as an environmental diagnostic assessment carried out in seven indigenous lands. The State highlighted the creation of Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands to improve coordination in the defense of indigenous territorial and environmental rights. In spite of this progress, the Commission received complaints from civil society organizations concerning the absence of effective measures in projects such as Belo Monte and Belo Sun and alleging that the State had neither implemented measures to strengthen oversight procedures nor ensured respect for human rights in extractive activities. The Commission considered that compliance with this recommendation had progressed to partial and urged the State to continue enhancing supervision and control measures, and to provide detailed information on their effectiveness in safeguarding the human rights of indigenous peoples.¹⁷³

Information on compliance

235. In 2024, the State informed that the MPI had been included in the PPCDAM, where it became a key stakeholder in the pursuit of various objectives and goals. In this regard, Brazil indicated that PPCDAM Goal No. 9 seeks to ensure that “not allocated federal public lands shall be protected and used sustainably, especially for indigenous peoples and traditional communities.” In addition, the State indicated that the MPI took part in the reinstatement of the CTD, where it served as a member alongside FUNAI, and that the CTD created a working group to draft proposals and lay down criteria aimed at simplifying the effective allocation of lands, with a view to reaching a total of 29.5 million hectares of federal public forests. The MPI also advanced on two resolutions enabling the allocation of federal public lands to indigenous peoples who claim them, thus securing 855,000 hectares of protected lands.¹⁷⁴

236. The State informed that the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands operates in the Yanomami, Karipuna, Uru-Eu-Wau-Wau, Kayapó, Araribóia, Munduruku, Trinchira Bacajá and Apyterewa lands, and that its work reached the Alto Rio Guamá, Urubu Branco and Cachoeira Seca lands.¹⁷⁵

237. The State also reported that the non-indigenous population that was illegally occupying the Alto Rio Guamá indigenous lands had withdrawn peacefully and voluntarily from the territory. This operation also triggered a process to convert grazing areas into zones for sustainable economic activities consistent with the indigenous way of living and with environmental protection measures, leading to a reduction in deforestation rates in the area in 2023. In addition, the operation conducted in the Apyterewa and Trinchira Bacajá lands dismantled an illegal land appropriation network that allowed trespassers to deforest the area

¹⁷³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 191–198.

¹⁷⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁷⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

and establish grazing areas. It also uncovered multiple illegal ranches and an illicit urban agglomeration, as well as illegal logging centers. The State informed that the operation led to important results, such as the complete withdrawal of non-indigenous trespassers from the Trincadeira Bacajá indigenous land and the identification of environmental crimes, the removal of cattle and the destruction of infrastructure that facilitated illegal occupation. Additionally, the State indicated that it is carrying out continuous monitoring actions in the area.¹⁷⁶

238. With regard to the Yanomami lands, the State emphasized that illegal mining has led to a humanitarian crisis in local indigenous populations and that the actions taken to remove trespassers have resulted in an 80 percent reduction in deforestation rates and a significant decline in illegal mining activities. According to the State, one of the goals of said actions was to move indigenous persons away from areas where illegal mining had caused conflict and to integrate them into the surveillance and monitoring actions of the federal government, with enhanced security.¹⁷⁷

239. The State also indicated that the Government House was established in the state of Roraima in 2024 and that it will have staff on the ground until December 31, 2026, to coordinate the plans to remove trespassers and fight the crisis in the Yanomami lands. Additionally, the State informed that, as of June 2024, it had carried out 952 actions to combat illegal mining. Furthermore, Brazil stated that trespassers were removed from the Karipuna territory and that a plan structured around seven stages, carried out by the federal government with the support of multiple state agencies, was implemented to ensure the protection of the territory and its inhabitants. According to the State, the Trespasser Removal Operation was officially launched in June 2024 and, by the next month, 139 ground, air and river actions had been undertaken with the participation of approximately 159 agents from various state agencies.¹⁷⁸

240. Finally, the State emphasized that the interministerial committee also coordinates public policies to promote sustainability, support the development of indigenous communities and strengthen the presence of state officials to avoid new cases of trespassing.¹⁷⁹

Analysis and level of compliance with the recommendation

241. The Commission applauds the measures reported by the State aimed at complying with this recommendation, especially the inclusion of the MIP in PPCDAM, which contributes to the guarantee of the rights of indigenous peoples in the prevention and control of deforestation; the reinstatement of the CTD, which has advanced in the drafting of proposals and the establishment of criteria for the allocation of lands; the removal of trespassers and the protection of indigenous lands, with a special focus on the Yanomami people; and the coordination of sustainability and development policies, with the assistance of the interministerial committee in the promotion of public policies to ensure the sustainability and development of indigenous communities, thus strengthening state presence and preventing new cases of trespassing.

242. The Commission considers that these measures are relevant inasmuch as they tighten the supervision and control of extractive activities and promote the protection and sustainable use of indigenous territories, in line with international human rights obligations. Consequently, it concludes that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

243. With a view to guiding compliance with this recommendation, the Commission invites the State to continue taking steps to implement measures aimed at strengthening systems for the supervision and control of extractive, exploration or development activities, in a manner consistent with its international

¹⁷⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁷⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁷⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁷⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

human rights obligations. It is important that these measures evidence an effective protection of indigenous territories through the allocation of land, the removal of trespassers and the control of extractive and exploration activities, and that they are instruments to promote public policies that ensure sustainability.

Recommendation No. 25. Guarantee access to justice and reparation for violations of the human rights of indigenous and Quilombola peoples committed in connection with natural resource mining (extractive), exploration, and exploitation activities.

244. In the 2023 follow-up report, the State informed the Commission that the specialized forum tasked with following up on indigenous cases in the judiciary had been updated through Resolution No. 489 issued by the CNJ and that it had been renamed to National Forum of the Judiciary on Monitoring and Effectiveness of the Complaints Related to Indigenous Peoples (FONEPI). Additionally, the federal government sent Message No. 209/2023 to Congress to ratify the Escazú Agreement and highlighted the creation of the Sales Pimenta WG for the protection of human rights defenders. For its part, the Commission noted the lack of specific information on access to justice and reparation for indigenous and Quilombola peoples affected by extractive activities. Therefore, it considered that compliance with the recommendation remained pending and urged the State to submit detailed information on the measures adopted to guarantee these rights, including institutional actions and public policies related to justice and reparations.¹⁸⁰

Information on compliance

245. In 2024, the State reported measures adopted to ensure access to justice for indigenous and Quilombola peoples, such as the resumption of the demarcation process to establish the boundaries of indigenous lands, together with the creation of the Interministerial Committee for the Coordination, Planning and Follow-up of Actions for the Removal of Trespassers on Indigenous Lands. The State indicated that, in particular, the Vale do Javari Territorial Protection Plan seeks to combat deforestation and illegal fishing, and to ensure the safety of isolated indigenous peoples in the region. In addition, the CTD facilitates the allocation of federal public lands to indigenous peoples who claim them. Likewise, the State reported that it carried out emergency actions in the Yanomami indigenous land to face the humanitarian crisis caused by illegal mining, which include the distribution of food baskets, the mobilization of health professionals and the reopening of basic healthcare areas.¹⁸¹

246. The Department for Mediation in Agrarian Conflicts of the Ministry of Agrarian Development and Family Farming (DEMCA/MDA) reported the creation of the National Commission for Confronting Violence in Rural Areas (CNEVC) in 2023. This commission encompasses 15 federal entities and is responsible for mediating and settling socioenvironmental conflicts in rural areas, including those related to extractive activities. The State informed that, during 2024, it conducted on-site visits, public hearings and active listening sessions, and received complaints from more than 100 communities. The State added that, in cases involving indigenous, traditional and Quilombola peoples facing violence or threats of human rights violations, said commission adopts measures within its authority and submits requests to other institutions, such as the judiciary, the Public Prosecutor's Office or the offices of public defenders.¹⁸² The State reported that the MIR identified the lack of information on marginalized social groups as a major challenge and, to address this, is developing the Mapping of Routes and Roma Families in Brazil and the National Policy Plan for the Roma People. Additionally, it has expressed its intention to assist the offices of public defenders and the Public Prosecutor's Office in the joint drafting of consultation protocols with Quilombola communities. Likewise, the Secretariat for Policies involving Quilombola and Afro-descendant Traditional Peoples and Communities, Terreiros and Roma Peoples under the MIR is a member of the General Coordinating Office for Conflict Mediation, which works to settle conflicts involving Quilombola communities.¹⁸³

¹⁸⁰ IACHR, [2023 Annual Report, Chapter V. Brazil](#), paras. 200–207.

¹⁸¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁸² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁸³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

247. Furthermore, the State indicated that the judiciary had added Goal No. 10, “Expedite the proceedings involving environmental claims and the rights of indigenous and Quilombola communities,” to the National Goals for the Judiciary in 2024. Meanwhile, the UMF/CNJ is supporting the proceedings under the ADPF No. 709 before the STF. This claim concerns acts and omissions committed by the public authorities during the management of the Covid-19 pandemic, which allegedly resulted in a high risk of contagion and the potential extermination of multiple indigenous peoples, and the violation of their right to live in their territories, in accordance with their cultures and traditions, including their need to develop plans to remove trespassers. The State also highlighted ADPF No. 991, addressing the protection of the human rights of indigenous peoples living in voluntary isolation and in initial contact, and ADPF No. 742, which determined the National Plan to Combat the Effects of the Covid-19 Pandemic in the Quilombola Communities.¹⁸⁴

248. Furthermore, the State explained that one of the duties assigned to FONEPI is to receive reports on conflicts related to indigenous interests. In this regard, it indicated that there are no records available of the number of cases received, and that FONEPI merely forwards the cases to the competent bodies. However, the State noted these initiatives carried out by FONEPI: i) monitoring and executing actions with indigenous communities, particularly in conflict areas, such as the recent visit to the Guarani Kaiowá indigenous community in the Nhaderu Marangatu indigenous land; ii) engaging in dialogue within the judiciary on a proposed resolution aimed at establishing parameters for ensuring the free, prior, and informed consent of indigenous, Quilombola and traditional peoples with regard to undertakings or activities that may affect them; and iii) monitoring effective compliance with CNJ’s Resolution No. 454/2022, aimed at ensuring the access of indigenous persons to the judiciary.¹⁸⁵

249. According to information provided by the State, two editions of the Itinerant Cooperative Justice Program were run in the Amazônia Legal region. The first took place in July 2023, in São Félix do Xingu, Pará state, and assistance was provided to approximately 3,800 individuals. The second edition was held in June 2024 and its report has not been concluded.¹⁸⁶ Finally, the State informed that the President of Brazil submitted the Escazú Agreement to the National Congress in May 2024, where it remains under consideration. The State noted that this agreement had been signed by Brazil in 2018, following consultations with the society.¹⁸⁷

Analysis and level of compliance with the recommendation

250. The Commission welcomes the initiatives undertaken by the State to ensure access to justice for indigenous and Quilombola peoples, such as the adoption of Goal No. 10 for the judiciary, which involves a mechanism to expedite the proceedings involving environmental claims and the rights of indigenous peoples, as well as the steps taken in the framework of the Itinerant Cooperative Justice Program in the Amazônia Legal region, which facilitates access to justice for Amazonian communities by offering local legal services.

251. However, although the measures mentioned by the State are relevant and positive, the Commission stresses the need for specific information on the impact of the creation and strengthening of these bodies on the effective access to justice of indigenous and Quilombola peoples. In the same vein, it underscores the need to receive information on the impact of the implementation of Goal No. 10 for the judiciary and on decisions arising from claims related to the rights of these groups. Likewise, the Commission notes that it has not received any information on reparations to indigenous and Quilombola peoples who have been victims of extractive activities and natural resource exploitation. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

¹⁸⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁸⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁸⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁸⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Measures and information to advance compliance with the recommendation

252. To guide compliance with this recommendation, the Commission invites the State to report on how the measures implemented effectively guarantee access to justice and reparations for indigenous and Quilombola peoples who have suffered human rights violations, particularly in the context of extractive activities and natural resource exploitation.

Recommendation No. 26. Investigate, punish, and make reparations for threats, attacks, and violence against members of the indigenous and Quilombola peoples perpetrated by State or private sector agents in connection with actions to defend the environment or in other contexts, including the “Caarapó Massacre” case and other cases mentioned in this report.

253. In the 2023 follow-up report, the State clarified that the MPI neither had the authority to investigate, prosecute or punish acts of violence against indigenous peoples, nor to award compensation to the victims. However, the State reported on the creation of a Coordinating Office for Promoting Indigenous Transitional Justice within the MPI, with a view to discussing a proposal for the establishment of a national commission of indigenous truth in Brazil, which would focus on investigating human rights violations against indigenous peoples and on ordering reparations. The Inter-American Commission welcomed this initiative but noted that it had not received specific information on the measures adopted to investigate, punish and repair human rights violations against indigenous and Quilombola peoples. Therefore, it considered that compliance with the recommendation remained pending. The Commission requested additional information on the actions undertaken by the State and the results obtained over time.¹⁸⁸

Information on compliance

254. In 2024, the State reported on the establishment of the Amazon and Environment Directorate within the Federal Police and the transfer of the Service for the Punishment of Crimes against Indigenous Peoples and Traditional Communities to said directorate. This service collaborates with Police Stations for the Environment to improve and standardize investigations, in accordance with the Minnesota Protocol, inasmuch as a significant portion of the crimes against indigenous, traditional or Quilombola peoples are related to land disputes. Additionally, the State noted that this service supports police investigations to oversee their proper conduct. Similarly, the Intelligence Coordination of the MJSP receives information on threats and violence against indigenous and Quilombola peoples, and forwards it to state and federal agencies so that they can take appropriate action.¹⁸⁹

255. The State further reported that the Department of Mediation and Settlement of Indigenous Land Conflicts (DEMED/MPI) was created under the MPI. It addresses cases involving indigenous peoples and their territories, provides support through on-site monitoring of situations of violence and organizes meetings with the affected communities and relevant authorities to resolve these issues. Furthermore, the MPI collaborates with the MJSP to facilitate the deployment of agents of the National Security Force in conflict areas.¹⁹⁰

256. The State added that the DEMCA/MDA provides support and monitoring in cases involving indigenous land conflicts, in cooperation with the DEMED/MPI, and that it has addressed conflicts relating to Quilombola, traditional and peasant communities. The DEMCA recorded 410 land conflicts in which human rights were threatened. The State further informed that the DEMCA supports and monitors police compliance with investigation protocols, requests the inclusion of leaders in the Program to Protect Human Rights Defenders, engages in dialogue with the Public Prosecutor’s Office and the judiciary to prevent impunity, conducts on-site visits to document threats, violence and attacks, and advocates for the allocation of additional resources to resolve conflicts. According to the DEMCA, 31 murders resulting from land conflicts were recorded

¹⁸⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 209–2012.

¹⁸⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

in rural areas in 2023, marking a 27.9 percent decrease compared to 2022.¹⁹¹ The State also noted that the MPI has monitored the claims filed by indigenous communities alongside the responsible agencies and has provided support in judicial proceedings focused on reparations and compensation for the communities impacted by violence.¹⁹²

257. The Commission recalls that, pursuant to Resolution No. 28/2024, it granted precautionary measures to members of the Tapeba de Caucaia indigenous people in May 2024, after concluding that they were in a serious and urgent situation, as their rights to life and personal integrity were at risk of irreparable harm. The Commission noted that the beneficiaries had been exposed to risk for a considerable time and warned of the seriousness of the lack of information provided by the State on the protection measures being implemented in the villages, given the alleged involvement of the police in some of the cases in question, and on measures specifically aimed at confronting the criminal groups operating in the area.¹⁹³

258. By means of Resolution No. 38/2024, the Commission also extended the precautionary measures granted to members of the Pataxó indigenous people of the Barra Velha and Comexatibá indigenous lands to members of the Pataxó Hã-Hã-Hãe indigenous people, all from the south of the state of Bahia, Brazil, considering that they were in a serious and urgent situation, since their rights to life and personal integrity were at risk of suffering irreparable harm. The Commission determined that the beneficiaries were suffering episodes of violence and threats due to disputes over the demarcation of their territory and the presence of organized crime groups in the area. At the time, the Commission, while appreciating the measures adopted by the State, noted that these had not been sufficient to mitigate the risk faced by the members of the Pataxó Hã-Hãe people.¹⁹⁴

259. Similarly, in October 2024, the Commission and the United Nations Office of the High Commissioner for Human Rights (OHCHR) Regional Office for South America expressed their deep concern over the surge of violence against indigenous peoples in Brazil, particularly in the states of Bahia, Paraná and Mato Grosso do Sul, amid efforts to defend their territorial rights. In the previous months, there had been violent attacks against indigenous communities, including assaults by private actors and police forces, resulting in the forced displacement of communities and the tragic deaths of several community members that were defending their lands.¹⁹⁵

260. For their part, civil society organizations have reported that, to date, the State has not taken the necessary measures to guarantee the protection of the population of Vale do Javari, the second largest indigenous land in the country and the place where journalist Dom Philips and indigenous activist Bruno Pereira were murdered in 2022. They stated that, based on reports from people who live in Vale do Javari, the authorities are aware that threats and episodes of violence similar to those that led to the 2022 crimes persist in the territory.¹⁹⁶ The organizations also highlighted that the persons who commit acts of violence against indigenous people, small farmers and other land defenders are rarely brought to justice in Brazil. In this regard, it was recalled that, in 2019, Human Rights Watch (HRW) had reportedly documented 28 murders in the Amazon, four attempted murders and 40 death threats. According to HRW, the lack of accountability was allegedly linked to the failure to carry out an adequate investigation, in addition to the police refusal to formally record these crimes. HRW stressed the importance of the ratification of the Escazú Agreement by Brazil, which remains under consideration in the Chamber of Deputies, as far as the instrument ensures measures to investigate and punish attacks, threats and intimidation against environmental and land defenders.¹⁹⁷

¹⁹¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁹² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

¹⁹³ IACHR, Press Release No. 097/24, [IACHR Grants Precautionary Measures to Members of the Tapeba Indigenous People of Caucaia in Brazil](#), May 10, 2024.

¹⁹⁴ IACHR, Press Release No. 134/24, [IACHR extends precautionary measures to members of the Pataxó Hã-Hã-Hãe Indigenous People in Brazil](#), June 11, 2024.

¹⁹⁵ IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17, 2024.

¹⁹⁶ Instituto Vladimir Herzog, Response to the request for information, October 2024.

¹⁹⁷ HRW, Response to the request for information, October 2024.

Analysis and level of compliance with the recommendation

261. The Commission appreciates the information provided by the State and civil society organizations. Among the important measures reported by the State, the Commission highlights the establishment of the Amazon and Environment Directorate within the Federal Police and the addition of the Service for the Punishment of Crimes against Indigenous Peoples and Traditional Communities as mechanisms for strengthening the institutional capacity of the police to investigate crimes against indigenous, traditional or Quilombola peoples; the creation of the DEMED/MPI, which represents an important step in the resolution of land-related conflicts and the promotion of cooperation between communities and authorities; and the actions undertaken by the DEMCA/MDA, which monitors and settles land conflicts, oversees investigation protocols, advocates for the allocation of additional resources and the inclusion of leaders in protection programs, and engages in dialogue with the judiciary to prevent impunity.

262. However, the Commission is concerned over the current situation of violence, as reported by organizations and highlighted in its own press releases. The measures described by the State are important for the investigation of acts of violence against indigenous and Quilombola peoples. Notwithstanding that, it is necessary that these measures be implemented across the country and ensure that perpetrators are duly held accountable. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

263. To guide compliance with the recommendation, the Commission invites the State to provide information on the progress achieved in investigating and punishing human rights violations committed against communities, as well as on reparations granted for said crimes. The State should also report on the impact of the measures adopted on reducing violence and protecting these communities.

Recommendation No. 27. Take resolute steps to put an end to the impunity surrounding human rights violations committed in connection with illegal businesses or activities against indigenous and Quilombola peoples, by conducting exhaustive and independent investigations, ensuring that the perpetrators and instigators are punished, and making reparations to the individual and collective victims.

264. In the 2023 follow-up report, the State informed that Bill No. 3025/2023, which contained new regulations to control the origin, purchase, sale and transportation of gold across the country, had been submitted. This bill aimed to reform the rules governing the trade and transportation of gold by proposing to eliminate the presumption of good faith in the verification of the origin of the metal and to make electronic invoices mandatory in transactions. Additionally, the Commission took note of the creation of a joint working group on the implementation of Precautionary Measure MC-449-22 in favor of Bruno Araújo Pereira, Dom Phillips and 11 members of the Union of Indigenous Peoples of the Javari Valley (UNIVAJA). In view of the foregoing, the Commission determined that the State was in partial compliance with this recommendation and requested information on the measures adopted, the results obtained from the investigations and the sanctions imposed for the violations of the rights of indigenous and Quilombola peoples.¹⁹⁸

Information on compliance

265. In 2024, the State informed that the MPI had requested the intervention of the National Public Security Force (FNSP) in more than 28 operations in the previous year, and that over 51 percent of the allocated resources had been directed toward indigenous lands, with the aim of strengthening the protection of people living in those areas. This collaboration has continued in 2024, with the enactment of 20 ordinances providing for FNSP support in operations to remove trespassers and ensure the safety of indigenous peoples, as well as of MPI and FUNAI officers. Likewise, the State reported that it had allocated resources to the National Civil Aviation Agency (ANAC) to ensure cooperation in controlling airfields, aircrafts, crew members, mechanics,

¹⁹⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 214–217.

maintenance organizations and aviation schools which could be used for the illegal transport of supplies and products for illegal mining. In addition, the ANAC has endeavored to identify clandestine airfields that may serve as landing points for aircrafts involved in environmental crimes.¹⁹⁹

266. In addition, the Brazilian Intelligence Agency (ABIN) will assist in official actions against illegal mining in the Yanomami indigenous land until December 2024. The agency will provide strategic support, coordinate the flow of information, contribute to the security of operations to remove trespassers, work as part of the Brazilian Intelligence System (SISBIN), identify risks and threats, map illegal mining supply chains and disseminate knowledge to prevent and mitigate risks. In addition, the National Oil Agency (ANP) will oversee the distribution of oil across the roads of the Roraima state until December 2024. Similarly, the State informed that it had allocated approximately 28 million Brazilian reais to enable the MPI and FUNAI to implement policies targeting isolated and recently contacted peoples in the Yanomami indigenous land region, as well as to conduct technical monitoring visits, deliver food baskets and support the health, education and protection of women and children in the territory. The State also highlighted the collaborative efforts of the MJSP, the Federal Police (PF) and the MPI to ensure that cases are diligently studied.²⁰⁰

Analysis and level of compliance with the recommendation

267. Based on the information reported by the State, the Commission considers that the measures adopted are important to combat impunity for human rights violations committed against indigenous and Quilombola peoples due to illegal activities. In particular, the Commission highlights the operations conducted by the FNSP, the actions taken by the ANAC against infrastructures supporting illegal mining, the measures implemented by the ABIN to combat illegal mining in the Yanomami land and the MJSP-PF-MPI joint cooperation to resolve cases.

268. Although these measures are important, the Commission emphasizes that this recommendation is aimed at conducting thorough and independent investigations, punishing the perpetrators of the human rights violations resulting from unlawful activities and providing reparations to the victims. Based on the information provided by the State, the Commission considers that it needs additional details on the implementation of effective measures to combat impunity, punish those responsible and provide reparations for the victims. In view of the foregoing, the Commission determines that compliance with this recommendation continues to be **partial**.

Measures and information to advance compliance with the recommendation

269. To guide compliance with this recommendation, the Commission stresses that the State should provide information on the systematic measures adopted to end impunity for human rights violations committed against indigenous peoples. In this regard, the Commission invites the State to report on the results of these investigations and the sanctions imposed, both individually and collectively.

Recommendation No. 28. Adopt whatever measures are needed to revise and amend provisions, court orders, and guidelines (including the “timeframe and suspension of security” [*marco temporal e suspensão da segurança*] thesis) that are incompatible with international standards and obligations regarding the rights of indigenous peoples to their lands, territories, and natural resources, as well as other human rights of indigenous peoples.

270. In the 2023 follow-up report, the State informed the Commission about Bill No. 2903/2023, aimed at regulating the recognition, demarcation, use and management of indigenous lands in the country. However, Brazil reported that this bill was not expected to be passed. Additionally, in September 2023, the Commission learned that the STF, sitting *en banc*, had ruled that the demarcation of indigenous lands did not depend on whether the communities were occupying the area in 1988, thereby rejecting the “timeframe” thesis.

¹⁹⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁰⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Despite this positive development, the Commission voiced its concern over the fact that the Senate had passed Bill No. 2903/2023, which would restrict the rights of indigenous peoples by stating that indigenous lands which had not been traditionally and productively occupied would no longer qualify as demarcated. Consequently, the Commission considered that compliance with the recommendation remained pending in view of this legislative setback and reiterated its call on the State to adopt measures that provided for the review and amendment of provisions in judicial rulings, such as the “suspension of security,” which threatened the human rights of indigenous peoples.²⁰¹

Information on compliance

271. The State reported that, in September 2023, the STF had issued a binding judgment applicable to all proceedings when ruling on Extraordinary Appeal No. 1017365, according to which the enactment date of the Federal Constitution of 1988 could be considered a cutoff date for determining which lands had been occupied by the indigenous communities. However, five actions challenging the constitutionality of the Timeframe Law (Law No. 14,701/2023) remain pending before the STF. In this context, several settlement hearings were held beginning in August 2024, with a view to reaching agreements on proposed measures to guarantee the rights of indigenous peoples and the non-indigenous populations, in which state representatives, the civil society and the indigenous communities took part. The State reported that information based on the topics discussed during the hearings had been collected and that it would be submitted to the STF justices for their consideration when ruling on the five claims.²⁰²

272. Additionally, the Commission recalls that, in a joint press release with the OHCHR’s Regional Office for South America published in October 2024, it emphasized that the surge in violence had been exacerbated by the slow progress in demarcating indigenous lands and ongoing legal uncertainty. It further stated that this situation had deteriorated even further since the Chamber of Deputies passed Law No. 14,701 in October 2023. The press release notes with alarm that the legislation was enacted despite a veto from the executive branch and a prior ruling from the STF declaring the timeframe thesis unconstitutional.²⁰³

Analysis and level of compliance with the recommendation

273. The Commission voices its concern over the passage of Bill No. 2903/2023 and the enactment of Law No. 14,701/2023, whose Article 4 states that the lands traditionally occupied by Brazilian indigenous peoples are those which were occupied by the enactment date of the Federal Constitution, thus confirming the application of the timeframe thesis. Consequently, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

274. To guide compliance with this recommendation, the Commission reiterates its call on the State to adopt the measures that are necessary to revise and amend provisions in court orders and guidelines, such as the timeframe and suspension of security thesis, which threaten the human rights of indigenous peoples.

Recommendation No. 29. Expedite finalization of the application for delimitation, demarcation, and titling of the traditional lands and territories of indigenous and tribal peoples in accordance with applicable international human rights standards.

275. In the 2023 follow-up report, the State informed that the prevailing interpretation was that the MPI was responsible for monitoring the indigenous land demarcation process, although such monitoring was not explicitly regulated. In the same year, the Commission issued resolutions granting precautionary

²⁰¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 219–224.

²⁰² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁰³ IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17, 2024.

measures for members of the Afro-descendant Quilombola people and the Pataxó indigenous people, acknowledging the risks they faced in land disputes while recognizing that they remained vulnerable and at risk despite these measures. In light of the foregoing, the Commission voiced its concern over the lack of specific information from the State regarding the indigenous land demarcation processes, as well as the risk situations identified in its resolutions, and therefore it concluded that compliance with this recommendation remained pending. To move forward, the Commission urged the State to present updated and accurate information on the actions taken to expedite the demarcation processes and resolve the territorial disputes reported.²⁰⁴

Information on compliance

276. In 2024, the State reported that, since the beginning of 2023, the decrees recognizing 10 indigenous lands had been successfully approved, two of which were completed in 2024. It also noted that the declaratory ordinances establishing the boundaries of 11 indigenous lands had been published in 2024. In addition, the MPI is part of the Technical Chamber on Land Use, which works on the regularization of undesignated federal property to enable indigenous peoples to inhabit them.²⁰⁵

277. Other actions carried out by the MPI include the establishment of the Ancestral Territories Forum, aimed at fostering dialogue with indigenous peoples and organizations on the regularization of territories, and the signing of a cooperation agreement with the state of Rio Grande do Sul for the regularization of properties in areas occupied by indigenous peoples, as well as the enforcement of rights and public policies concerning these communities. Finally, the State reported on the actions of the Working Group of the National Titling Agenda, which is collecting information on the Quilombola communities that need to be regularized.²⁰⁶

278. In October 2024, the Commission and the OHCHR's Regional Office for South America expressed their concern over the surge of violence against indigenous peoples in the country and emphasized that it had been exacerbated by the slow progress in demarcating indigenous lands and ongoing legal uncertainty.²⁰⁷

Analysis and level of compliance with the recommendation

279. The Commission acknowledges the importance of the information shared by the State. However, it emphasizes that the progress made in the demarcation of indigenous lands is insufficient to guarantee the protection of their right to territory, especially in light of the passage of the timeframe law, as outlined previously in this report. In view of the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

280. To guide compliance with this recommendation, the Commission invites the State to present relevant, updated and accurate information on the actions taken to expedite the proceedings related to requests for the delimitation, demarcation and titling of lands and traditional territories of indigenous and tribal peoples, refraining from enforcing the timeframe thesis.

Recommendation No. 30. In consultation and coordination with indigenous and tribal peoples, guarantee their right to health, based on an inter-cultural, gender, and intergenerational solidarity approach, taking into consideration traditional healing practices and medicines.

²⁰⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 226–233.

²⁰⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁰⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁰⁷ IACHR, Press Release No. 252/24, [Brazil: IACHR and UN Human Rights Condemn Violence Against Indigenous Peoples and Urge the State to Protect Their Territorial Rights](#), October 17, 2024.

281. In the 2023 follow-up report, the State informed that the Indigenous Health Policy Coordinating Office had been established along with the creation of the MPI to support and oversee the indigenous health policy implemented by the Indigenous Healthcare Subsystem. In this context, the State reported ongoing discussions on the creation of an interministerial committee to ensure differentiated psychological care for indigenous peoples, aimed at reducing the high rates of suicide and other mental health issues afflicting these communities. The State also reported that the MPI had collaborated in the organization of the Special Indigenous Health Districts (DSEI) and in the design of a program for indigenous community pharmacies. The Commission acknowledged the progress made by the State, emphasized the importance of public policies focused on the mental health of indigenous peoples due to the high rates of suicide and other mental health issues, and considered that the State had progressed to partial compliance with this recommendation. Moreover, the Commission requested additional information on how government health programs had closed gaps in healthcare coverage for indigenous peoples and how these policies had been consulted and coordinated with indigenous communities.²⁰⁸

Information on compliance

282. In 2024, the State highlighted the creation of the MPI in the previous year and the work of the Secretariat for Indigenous Health (SESAI) within the Ministry of Health (MS), which coordinates and implements the National Indigenous Healthcare Policy and manages the Indigenous Healthcare Subsystem (SasiSUS). According to the information provided, the SESAI serves more than 762,000 persons, with the help of 22,000 health professionals, 52 percent of whom are indigenous, and carries out its activities while respecting the specific cultural and epidemiological characteristics of each group. Likewise, according to the State, the SESAI is responsible for ensuring an intercultural, solidarity-based and gender-sensitive approach in healthcare policies targeted at the indigenous population. For instance, the fight against tuberculosis in the Yanomami territory received special attention, with the participation of specialized MS staff in 2023; the authorities endeavored to ensure that professionals working in DSEIs participated in training sessions; and discussions on the fight against tuberculosis were held in working groups linked to the Amazon Health Plan.²⁰⁹

283. Furthermore, the State indicated that the Strategy Against Racism in Healthcare was established in December 2023, with the aim of promoting ethnic and racial equity, designing healthcare policies to combat racism and providing comprehensive care focused on the health complexities of black, indigenous, Quilombola and Roma communities, alongside other minorities. This strategy also seeks to encourage equity within the Unified Healthcare System (SUS) and to fight against structural racism.²¹⁰ The State added that, with the purpose of achieving these goals, it is developing an action plan that prioritizes the promotion of holistic health for black women; maternal and infant health, in particular by reducing maternal, infant and fetal mortality; the development of mental health public policies tailored to the specific needs of each ethnic group; education focused on health issues from an anti-racist perspective; the promotion of sexual health based on diversity; comprehensive care for individuals affected by sickle-cell anemia; ethnic and racial representativeness among collaborators and respect for cultural and religious diversity, integrating these health policies with indigenous and African religious practices. In this regard, the State reported that it will take affirmative action and provide training to the workforce involved in the action plan at all levels, and that it will design and monitor racial indicators in healthcare activities, with resources allocated for their updating. Finally, the plan will be executed with the cooperation of the Interministerial Technical Committee on the Health of the Black Population (CTSPN).²¹¹

284. The Commission reviewed the report titled *Inequalities in the Healthcare of Indigenous Children*, published by Núcleo Ciência pela Infância, which concluded that the main challenges in indigenous healthcare in Brazil are as follows: i) the difficulty in accessing indigenous territories, either due to long distances or the absence of adequate transportation; ii) the lack of continuing training for professionals on the

²⁰⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 235–239.

²⁰⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²¹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²¹¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

culture and lifestyles of ethnic groups, in addition to high turnover and insufficient staff; iii) the absence of bonds between health professionals and the community, as well as the conflicts arising from differing perspectives on healthcare; iv) the unavailability of health data on indigenous peoples for those operating in the territory, along with the lack of integration of the Indigenous Healthcare Information System with the SUS; and v) the increased exposure to diseases due to environmental damage, coupled with the absence of income for communities that lack regular access to hunting, fishing or agricultural areas.²¹²

285. In addition, the Associação Brasileira de Saúde Coletiva (Abrasco) underscored three challenges faced by indigenous peoples in relation to the right to health:

- i) Invisibility and lack of data: In this regard, it emphasized that the absence of specific epidemiological data on indigenous peoples hampers the development of effective public policies. This results in decontextualized and generic health policies that fail to address the unique needs of indigenous communities, particularly those residing outside DSEIs.
- ii) Absence of differentiated healthcare: Abrasco indicated that, although the National Policy on Healthcare for Indigenous Peoples (PNASPI) promotes differentiated care, it has not been implemented effectively. In this regard, the organization stated that the current healthcare model does not integrate the indigenous conception of health, which views the body and the territory as inseparable, and that the inclusion of indigenous communities in the planning, management and evaluation of health policies is crucial.
- iii) Insufficient financial and human resources: Abrasco stated that the healthcare system for indigenous persons faces significant institutional challenges, such as the lack of stable funding, high staff turnover and lack of adequate and ongoing training for health workers. These issues hinder the implementation of a health model in line with the specific cultural and social characteristics of indigenous peoples.

Analysis and level of compliance with the recommendation

286. The Commission commends the State for the care provided by the SESAI to 762,000 indigenous persons, with the support of a team of health professionals, 52 percent of whom are indigenous, which shows respect for the specific cultural and epidemiological characteristics of each group. In addition, the Commission welcomes the creation of the Strategy Against Racism in Healthcare, which addresses structural racism in healthcare policies and promotes ethnic and racial equity, benefiting indigenous, Afro-descendant and Quilombola communities, as well as other minorities. The inclusion of a gender perspective and the respect for cultural and religious diversity are also significant elements.

287. The Commission also appreciates the Healthcare Action Plan, since it promotes the holistic healthcare of Afro-descendant women, the reduction of maternal and infant mortality, mental health policies tailored to each ethnic group, education from an anti-racist perspective and the care of specific conditions, such as sickle-cell anemia. It also provides for healthcare training for the workforce and the monitoring of racial indicators. The Commission considers that these measures represent an effort by the State to comply with this recommendation, particularly with regard to the development of a multicultural and racial approach to healthcare policies. However, it also notes that challenges remain to the broad guarantee of the right to health for indigenous and Quilombola peoples in Brazil. Consequently, the Commission considers that compliance with this recommendation continues to be **partial**.

Measures and information to advance compliance with the recommendation

288. To guide the implementation of this recommendation, the Commission highlights the need to strengthen indigenous participation in decision-making, ensure ongoing training for indigenous health workers and develop evidence-based policies gathered directly from communities. Additionally, it emphasizes

²¹² Núcleo de Ciência pela Infância (NCPI), [Working paper: Desigualdades em saúde de crianças indígenas](#), 2024.

the importance of establishing monitoring and evaluation mechanisms to continually adjust and improve healthcare policies.

Recommendation No. 31. Strengthen measures to protect indigenous peoples living in voluntary isolation and in initial contact, while striving to protect their health, lifestyles, and territories. Based on the precaution principle, develop public policies and actions to guarantee the survival of these peoples.

289. In the 2023 follow-up report, the State informed the Commission that it had created the Department for the Protection for Isolated and Recently Contacted Indigenous Peoples within the MPI. This department aimed to develop and coordinate public policies to protect the health, ways of life and territories of said groups. Furthermore, the State reported that the National Situation Division held biweekly meetings coordinated by the MPI to look for interagency solutions to the challenges faced by these peoples. For its part, the Commission appreciated the efforts made by the State to protect indigenous peoples in isolation and initial contact; however, it underscored the lack of specific information on the measures being adopted and therefore considered that compliance with this recommendation remained pending. To move forward with its implementation, the Commission invited the State to provide updated information on the protection measures adopted, focusing on the health, ways of life and territories of these peoples, as well as on public policies to ensure their physical and cultural survival.²¹³

Information on compliance

290. In 2024, the State informed that the FUNAI had identified 114 records of isolated indigenous peoples, 28 of which were confirmed references. The vast majority of these populations are located in the Amazon region. The populations considered in recent contact amount to 22 different ethnic groups and are served by 13 DSEIs. In this regard, the State indicated that the DSEIs follow the guidelines established by the Office of the Special Secretary for Indigenous Health, which is attached to the Ministry of Health (SESAI/MS), and are responsible for implementing special healthcare protocols for isolated and recently contacted indigenous peoples (PIIRC). The State added that all possible measures to protect the health of these groups and avoid epidemiological outbreaks are taken before, during and after contact. In this regard, Brazil reported that the protocol for accessing indigenous territories inhabited by isolated or recently contacted peoples was updated. Additionally, a schedule was arranged to update contingency plans for contact situations and to deliver ongoing training to health professionals.²¹⁴

Analysis and level of compliance with the recommendation

291. The Commission appreciates the information provided by the State with regard to the efforts made to protect indigenous peoples in isolation and initial contact. In particular, it welcomes the actions of the DSEIs and the updating of the protocol for accessing these groups' indigenous territories. Nevertheless, the Commission emphasized that the purpose of the recommendation is to strengthen protection measures for indigenous peoples in isolation and initial contact, while safeguarding their health, ways of life and territories. Consequently, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

292. To guide the implementation of this recommendation, the Commission calls on the State to submit updated information on the compliance measures it has undertaken with regard to the two components of this recommendation: the protection measures aimed at these peoples, with a focus on the protection of their health, ways of life and territories, and the development of public policies and actions to guarantee their physical and cultural survival, based on the principle of precaution.

²¹³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 241–244.

²¹⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

G. Women

Recommendation No. 32. Prevent and condemn all forms of violence and discrimination against women and girls, including refraining from any gender-based violent or discriminatory act or practice, and guaranteeing that all public servants, including authorities, agents, and institutions abide by this obligation.

293. In the 2023 follow-up report, the State informed that it had implemented important measures aimed at protecting and promoting the rights of women, including the creation of the Ministry of Women (MM) and the adoption of a multiyear plan focused on advancing gender equality in political participation, combating gender-based violence and ensuring wage parity. Furthermore, Brazil reported the implementation of the National Care Policy to relieve the burden of unpaid work on women, along with the adoption of a law ensuring wage parity, a national program against sexual harassment with enhanced reporting mechanisms and the Mulher, Viver sem Violência program, which included care centers and the expansion of the Ligue 180 helpline. In addition, the State explained that the National System of Services for Women in Situations of Violence (the ELA system) facilitated the monitoring of cases involving violence, strengthened specialized services and enhanced data collection to improve public policies supporting women. At the time, the Commission welcomed the numerous actions reported by the State, recognized that it had taken significant steps forward during the year to guarantee the rights of women and concluded that compliance with this recommendation had progressed to substantial partial. Finally, the Commission invited the State to continue to implement, strengthen and report on measures to prevent and combat violence against women.²¹⁵

Information on compliance

294. As in the previous year, the State reported several measures focused on women in 2024. Brazil informed that it had implemented the National Femicide Prevention Pact and the Mulher, Viver sem Violência program in 2023 to combat gender-based violence. With an allocated budget of 2.5 trillion Brazilian reais, the National Femicide Prevention Pact includes an action plan centered around two pillars: a structural approach aimed at preventing violence at different levels and a cross-cutting perspective focused on enhancing data collection and policy development. In addition, the State created the CMBs and the Reference Centers for Brazilian Women (CRMBs) to provide comprehensive care to women victims of violence, including legal, social and psychological services. In this regard, Brazil noted that the Mulher, Viver sem Violência program is operating 12 CMBs, is building additional units and is planning to expand with more units in 2026. In addition, the State held national meetings and training sessions to strengthen the support network and is currently implementing a case management data system to follow up on the cases in which it intervened.²¹⁶

295. Furthermore, the State reported that the Ligue 180 helpline was restructured in 2023 by the Ministry of Women, with an investment surpassing 16 million Brazilian reais and the recruitment of 222 specialized operators. The new helpline, launched in 2024, will serve as a platform for reporting cases/acts of violence, providing guidance and educating users on their rights and on gender-based violence, with an updated database on legislation and procedures. In addition, Brazil entered into agreements with states to establish local channels and created a new WhatsApp helpline. The State also reported that the evaluation of Ligue 180 helpline was resumed, the Care and Capabilities Protocol was relaunched in cooperation with the UnB, and protection officials received ongoing training. Brazil noted that the joint work with the UnB also focused on developing content for the new helpline, including research on the assistance provided and the classification of cases of violence reported.²¹⁷

296. The Ministry of Women signed several cooperation agreements to prevent violence against girls and women, including the Biome Dialogues with the MPI, the Marajó Community Plan in cooperation with the MDHC and the identification of areas affected by sexual exploitation in Pará in partnership with the Federal Roads Police. It also contributed to the creation of national forums aimed at addressing violence against women

²¹⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 246–259.

²¹⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²¹⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

in rural areas and improving the implementation of the Maria da Penha Law. In 2024, together with the National Council on Criminal and Penitentiary Policy, it recommended the electronic monitoring of aggressors involved in domestic violence cases, which includes risk assessments and portable tracking units for victims, to prevent further assaults.²¹⁸

297. The State also noted that a seminar was held in August 2024 to commemorate the 18th anniversary of the Maria da Penha Law, during which the Maria da Penha Award for Education in Human Rights was announced. With a fund of 2.5 million Brazilian reais, this award will be given to educational networks that promote women's rights. In addition, the Ministry of Education (MEC) will invest 2.5 million Brazilian reais in gender research and 7.1 million Brazilian reais in educational resources, as well as teacher training on human rights and gender. Moreover, the State reported on the development of new legislative initiatives focused on supporting victims of gender-based violence, granting pensions to orphaned children and adolescents who relied on femicide victims, and creating the Não É Não (No means "no") protocol to promote safety in night-time commercial establishments.²¹⁹

298. In terms of legislation, the State reported that, as of September 2024, several laws and regulations had been implemented to enhance support for victims of violence, including Law No. 14,847 of 2024, which guarantees individualized care for victims at SUS healthcare centers; Law No. 14,857 of 2024, which ensures the confidentiality of the victims' identity in domestic violence proceedings; and Law No. 14,887 of 2024, which prioritizes reconstructive plastic surgery for women victims of violence. Other relevant pieces of legislation include Law No. 14,899 of 2024, which establishes a care network and a targeted plan to combat domestic violence; Law No. 14,942 of 2024, which supports awareness-raising initiatives; Law No. 14,986 of 2024, which mandates the inclusion of women's experiences in school curricula; and Law No. 14,987 of 2024, which extends the right to psychosocial care to children of victims of serious violence or incarcerated persons.²²⁰

299. The State also referred to the implementation of the National Program to Prevent and Combat Sexual Harassment, Other Crimes against Sexual Dignity and Sexual Violence, pursuant to Law No. 14,540 of 2023. This program includes actions to prevent and address these crimes, such as developing training materials, encouraging good practices in state agencies, raising awareness on related legislation and policies, and conducting campaigns focused on reporting channels and the features of these crimes. It also establishes procedures for the processing of claims and training programs.²²¹

300. The State added that the National Forum of Women's Policy Organizations held a meeting in April 2023 between municipal and state women policy managers and the federal government, in an attempt to strengthen women's rights policies through dialogue and support for Women's Policy Organizations (OPMs). In June 2024, over 300 women policy managers attended the Second National Forum of Women's Policy Organizations, where the Mais Mulheres no Poder, Mais Democracia (More women in power, more democracy) campaign was launched to combat political violence and promote women's participation. Additionally, two virtual courses on policy management for women were presented and a study on the diagnosis and monitoring of OPMs was published.²²²

301. The State also reported the creation of the Women's Working Group, alongside the Ministry of Labor and Employment (MTE), with the goal of preventing and combating violence, harassment, and gender discrimination in the workplace, as well as promoting the generation of employment, work, and income for women experiencing violence. Some of the main actions highlighted by the Group include the analysis of public records to identify women in situations of violence, the development of Professional Qualification and Development Policies for women experiencing violence, the Diagnosis of Flows and Reception Channels, the training and sensitization of MTE staff and workers, the training and sensitization of trade union organizations,

²¹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²¹⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²²⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²²¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²²² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

the request for reports, studies, and expert opinions, the drafting of proposals for regulatory changes, the improvement of internal processes, and the preparation of follow-up and evaluation reports on the impact of the measures adopted within the MTE.²²³

302. Additionally, information was provided regarding the establishment of the Reception Room for Women Victims of Discrimination and Harassment, which ensures appropriate first aid to women seeking support and provides guidance on how to file complaints, as well as the Training Program for the Reception Team, which trains staff to provide this service. Also, within the MTE, a Cycle of Conferences was organized for officials, managers, and employees to raise awareness about the importance of structural changes to eradicate discriminatory practices. A Guide for Preventing Harassment and Violence was launched, and an Advertising and Awareness Campaign was carried out to engage staff in the fight against discrimination and harassment.²²⁴

303. Finally, the State reported that the process for ratifying ILO's Convention 190 began in March 2023 and that the report of the Committee on Foreign Relations and National Defense of the Chamber of Deputies on this matter is under way. Brazil also noted that an interministerial working group was created in April 2023 to develop the National Policy to Combat Political Violence Against Women under the coordination of the SENEV and the Office of the National Secretary for Institutional Cooperation, Thematic Activities and Political Participation (SENATP). Consultations were held with various stakeholders as part of this process and the final report was published in August 2024.²²⁵

304. In turn, civil society organizations claimed that, while Brazil has taken important legislative steps to combat violence against women and girls, such as the Maria da Penha Law (Law No. 11,340 of 2006), which incorporates prevention and reparation measures from a human rights and gender approach, since 2016, the State has allegedly prioritized criminal laws and neglected the implementation of adequate policies to ensure the safety of all women, especially Afro-descendant women. These organizations also claimed that, although the National Femicide Prevention Pact and its action plan were launched in 2023 and 2024, respectively, the Levante Feminista Contra o Feminicídio (Feminist rise against femicide) campaign contends that said plan is allegedly deficient and is based on a superficial analysis of racism, disability and other key intersectional issues, such as the needs of girls, adolescents, trans women, lesbians and the older women.²²⁶

305. Civil society organizations also held that Law No. 14,994 of 2024, which significantly increases penalties for femicides and other gender-based violence crimes and was recently passed by Congress and enacted by the President, has been criticized by feminist organizations for focusing on punishment rather than on preventive policies or adequate resources for justice and public safety. According to the Maria da Penha Law Consortium, this approach might exacerbate the situation of women at risk and is not in line with the State's duty to protect women against structural violence. In addition, civil society organizations highlighted the progressive dismantling of policies focused on the protection of women between 2016 and 2022, which reportedly continues to impact on the implementation of essential programs such as the Ligue 180 helpline and the CMBs, which operate with limited resources and insufficient funding.²²⁷

306. Likewise, civil society organizations reported that the CEDAW Committee has allegedly acknowledged Brazil's efforts to eradicate gender-based violence, which include the establishment of the National Policy to Combat Violence Against Women and the Mulher, Viver sem Violência program, under which the Ligue 180 helpline and new CMBs were created. However, civil society organizations added that the CEDAW Committee also voiced its concern over the rise in femicides, rapes and disappearances, particularly among Afro-Brazilian women; the lack of resources in shelters and support units for victims; the limited presence of police stations for women in rural areas; and the increase in murders of indigenous women and in violence against LGBTI women, along with the fact that Brazil has the highest rate of murder of transgender persons in the world. They stated that the CEDAW Committee has urged the State to reinforce prevention and prosecution

²²³ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

²²⁴ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

²²⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²²⁶ CEJIL, Response to the request for information questionnaire, November 4, 2024.

²²⁷ CEJIL, Response to the request for information questionnaire, November 4, 2024.

measures, to increase resources for shelters and the CMBs, to expand specialized agencies and services in indigenous areas and to create a database on violence against LGBTI women.²²⁸

307. Finally, civil society organizations highlighted that, according to the Maria da Penha Law Consortium, the number of cases involving violence against women in Brazil continues on the rise. In 2023, 1,238,208 cases of violence against women were recorded, including homicides, femicides, assaults involving domestic violence, threats, acts of harassment, psychological violence and rape. Additionally, they noted that 8,372 attempted homicides of women were reportedly recorded, which accounts for a 9.2 percent increase compared to the previous year. Out of the 8,372 attempted homicides, 33.4 percent were attempted femicides, marking a 7.1 percent rise. In total, 1,467 women were reportedly murdered for gender-based reasons, the highest number since 2015. Sixty-eight percent of the victims were Afro-descendant women, which evidences the existence of structural racism and its disproportionate impact on this population.²²⁹

Analysis and level of compliance with the recommendation

308. The Commission welcomes the numerous measures reported by the State to prevent and condemn violence and discrimination against women and girls in Brazil. In particular, it highlights the adoption of the National Femicide Prevention Pact and the preparation of its action plan; the development of the Mulher, Viver sem Violência program with its CMBs and CRMBs; the restructuring and strengthening of the Ligue 180 helpline; the signing of cooperation agreements such as the Biome Dialogues and the Marajó Community Plan, among others; the creation of the Maria da Penha Award for Education in Human Rights; the implementation of the National Program to Prevent and Combat Sexual Harassment, Other Crimes against Sexual Dignity and Sexual Violence; the establishment of the National Forum of Women's Policy Organizations; the ratification of ILO's Convention 190; the setting up of the Interministerial Working Group for the National Policy to Combat Political Violence Against Women; and the enactment of laws that guarantee individualized care for victims at SUS healthcare centers, ensure the confidentiality of the victims' identity in domestic violence proceedings and extend the right to psychosocial care to the children of victims of serious violence.

309. However, the Commission also takes note of the challenges reported by civil society organizations, such as the focus on punishment and the lack of preventive policies in spite of the legislative steps taken, which include those related to the Maria da Penha Law; the shortcomings of the National Femicide Prevention Plan in addressing racism, disability and other intersectional issues; the dismantling of and lack of funding for support programs in previous years, which currently operate with limited resources; the concerns expressed by the CEDAW Committee over the rise in femicides, rapes and disappearances; the insufficient resources at victims' shelters; the limited presence of specialized police stations for women; the rise in violence against indigenous and LGBTI women; and the escalating rates of violence and structural racism.

310. The Commission considers that the State has stepped up its efforts in terms of legislation, programs, support infrastructure and partnership building to combat gender-based violence, which evidences a clear commitment, as well as significant progress towards compliance with this recommendation. However, in their observations, civil society organizations highlight limitations in program implementation, gaps in coverage in specific areas and an approach focused on punishment which might not be effective in mitigating structural violence against women. Moreover, the continued rise in femicide rates and other forms of violence, along with the disproportionate impact on Afro-descendant women and other vulnerable groups, suggests that the State has not fully addressed persistent structural challenges. In view of the foregoing, the Commission considers that compliance with this recommendation remains **substantial partial**.

Measures and information to advance compliance with the recommendation

311. To guide the implementation of this recommendation, the Commission calls on the State to increase funding as well as the number of shelters and specialized police stations in rural areas, for indigenous

²²⁸ CEJIL, Response to the request for information questionnaire, November 4, 2024.

²²⁹ CEJIL, Response to the request for information questionnaire, November 4, 2024.

communities and for the LBTI population. The Commission also encourages the State to enhance the National Femicide Prevention Pact by addressing specific racial, gender and disability concerns. Furthermore, and in addition to the punitive approach of the aforementioned plan, the Commission emphasizes the need for increased prevention efforts, including educational campaigns, adequate resources for justice and public safety, and reparation measures for vulnerable groups.

Recommendation No. 33. Implement and reinforce measures with a gender perspective to comply with the duty to act with due diligence to prevent, punish, and eradicate violence and discrimination against women, including concrete efforts to comply with the obligations to prevent, investigate, punish, and make reparation for violations of the human rights of women and girls. This includes training and monitoring the authorities responsible for the investigation, including health services and judicial bodies.

312. In the 2023 follow-up report, the State informed the Inter-American Commission that the CNJ had adopted Resolution No. 492/2023, which established a protocol for prosecuting and adjudicating cases with a gender perspective. In addition, a permanent policy was implemented to address all forms of violence against women, which included a specific protocol for assisting victims and receiving complaints of violence against women involving judges and judiciary employees. The Commission welcomed the initiatives undertaken by the CNJ and recognized their importance in the training of the members of the judiciary so that cases were investigated, prosecuted and ruled on with a gender perspective. However, it emphasized the need for these protocols to extend to other justice system actors, such as employees of the Public Prosecutor's Office and police officers involved in criminal investigation and prosecution. Consequently, the Commission considered that compliance with this recommendation remained **partial**.²³⁰

Information on compliance

313. In 2024, the State highlighted the commitment of the Federal Public Defender's Office to providing human rights education to its staff and the public by means of activities such as webinars, roundtables, courses, workshops, conferences and training sessions. The Federal Public Defender's Office held 60 training events covering a wide range of human rights issues, such as assistance for victims of human trafficking, women's rights, over-indebtedness among the elderly, sexual and reproductive rights, combating LGBTIphobia, access to land, the inter-American human rights system and contemporary slave labor, among others.²³¹

314. Notwithstanding the foregoing, civil society organizations argued that training sessions on human rights for justice operators and police officers were isolated initiatives which were neither mandatory nor continuous, and that attendance to said sessions was not required for admission to or promotion in public service careers. They acknowledged the relevance of these activities but noted that their sporadic and optional nature failed to adequately comply with the recommendation.²³²

Analysis and level of compliance with the recommendation

315. The Commission welcomes the training measures promoted by the Federal Public Defender's Office. However, it emphasizes that all entities involved in the investigation and punishment of acts of violence against women must act with due diligence and with a gender perspective, especially in light of the situation of violence faced by women and girls in Brazil. Based on the information provided, the Commission considers that compliance with this recommendation remains **partial**.

²³⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 261–266.

²³¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²³² CEJIL, Response to the request for information questionnaire, November 4, 2024.

Measures and information to advance compliance with the recommendation

316. The Commission appreciates the measures adopted by the CNJ to ensure that members of the judiciary are prepared to prosecute and adjudicate cases with a gender perspective. However, it underscores that such measures must be implemented across all state entities, including the Public Prosecutor's Office and the police, which are involved in the submission and processing of complaints, and in the investigation of cases.

Recommendation No. 34. Investigate, try, and punish, with a gender perspective and as a priority, violations of the human rights of women and girls, especially femicides of trans women. Likewise, investigate with due diligence acts of violence against women human rights defenders and other groups at special risk mentioned in this report.

317. In the 2023 follow-up report, the State did not provide specific information on the priority prosecution of human rights violations against women, girls and trans women, particularly in cases of femicide, with a gender perspective. Since the Commission did not receive any information in this regard, it considered that compliance with this recommendation remained partial and urged the State to provide detailed information on the investigation and prosecution of these cases, stressing the need for an institutional strategy to ensure due diligence and the effective punishment of perpetrators.²³³

Information on compliance

318. In 2024, the State reported that the MDHC implemented several measures to investigate and punish human rights violations against women and girls, including contributions to the development of the National Policy to Combat Political Violence against Women and the action plan of the National Femicide Prevention Pact. In addition, the CNJ published Resolution No. 492/2023, which mandates the application of the Protocol for Prosecuting and Adjudicating Cases with a Gender Perspective to guide judges in its implementation. To prevent femicides of trans women, the MDHC supported the Second National Action Plan on Women, Peace and Security, focused on LBT women. The MDHC also designed the Combating Violence Against LBT Women brochure and trained the staff of the Ligue 180 helpline to provide ethical support to LBT women in cases of violence.²³⁴

319. Civil society organizations acknowledged the creation of the Protocol for Prosecuting and Adjudicating Cases with a Gender Perspective as a positive step. However, they noted the absence of mechanisms to monitor its implementation. They argued that for this policy to constitute a genuine progress in access to justice for women and girls, it would be essential to establish oversight and continuing training mechanisms targeted at judiciary officials to ensure its adequate application.²³⁵

Analysis and level of compliance with the recommendation

320. The Commission commends the measures reported by the State to ensure that cases involving violence against women are prosecuted from a gender perspective. The Commission also applauds the measures implemented by the MDHC. However, in line with the information provided by the civil society, it emphasizes that the State should develop a monitoring mechanism to assess the impact of the protocol on the daily work of the courts. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

321. To follow up on this recommendation, the Commission invites the State to provide information on the monitoring mechanism to oversee the implementation of the Protocol for Prosecuting and

²³³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 268–271.

²³⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²³⁵ CEJIL, Response to the request for information questionnaire, November 4, 2024.

Adjudicating Cases with a Gender Perspective and underscores that having a database of the rulings that adopt this perspective in place is not sufficient since the State must assess whether judges are actually applying the protocol and if the training provided is contributing to increasing its use.

Recommendation No. 35. Strengthen the institutional capacity of judicial bodies, such as the Public Prosecutor's Office (*Ministério Público*), police agencies, courts, and legal and forensic medicine units, by endowing them with financial, human, and training resources to enable them to fight the pattern of impunity surrounding proceedings relating to violence against women. In addition, step up enforcement of punishments and make headway with reparation projects through effective criminal investigations that avoid re-victimization and are subject to proper judicial monitoring.

322. In the 2023 follow-up report, the State informed the Commission about a series of measures adopted by the CNJ to promote gender equality in the judiciary, including affirmative actions and the implementation of gender parity in the selection committees that evaluated candidates for judicial careers. The State also highlighted the establishment of the National Public Defender's Office for Women, which was responsible for processing complaints related to legal proceedings involving acts of violence against women. The Commission welcomed this progress but emphasized the importance of introducing similar measures across all state agencies, including the Public Prosecutor's Office and the offices of public defenders. The Commission considered that compliance with this recommendation had progressed to partial and stressed the importance of adopting institution-building measures for all the authorities involved, which included allocating resources and training technical teams to improve investigations in these cases.²³⁶

Information on compliance

323. In 2024, the State reported that the Federal Public Defender's Office undertook several initiatives to protect women's rights and address gender-based violence. It established the Observatory of Violence Against Women (OVM) to enhance complaint management, provide training to staff and create partnerships with public and private entities. The Federal Public Defender's Office joined the Support Committee for Prosecuting and Adjudicating Cases with a Gender Perspective and the Working Group against Gender-Based Political Violence and collaborates with the Ministry of Women in the *Feminicídio Zero* (No femicides) campaign. It also launched the National Program against Gender-Based Political Violence for the 2024 elections, which provided for legal assistance, a complaint mechanism and staff training.²³⁷

324. In addition, the State reported that the judiciary, through the CNJ, provided training options for judges with a focus on the Maria da Penha Law (Law No. 11,340/2006) and human rights issues. CNJ's Recommendation No. 79/2020 and Resolution No. 492/2023 mandate continuing training for judges on gender, race and ethnicity issues. In addition, Resolution No. 492/2023 creates the Support and Training Committee for Prosecuting and Adjudicating Cases with a Gender Perspective and requires all judges to take annual training courses on the matter.²³⁸

325. The civil society noted that the State had made no progress in the institutional strengthening of the judiciary to combat impunity in cases of violence against women. It indicated that specialized police stations that assist women victims of violence are concentrated mainly in the capital cities and that they cover less than 10 percent of all cities. Most of them operate in the southeast, particularly in São Paulo, where 40 percent of these stations are located. According to civil society organizations, the absence of a policy to expand these units has an impact on the judiciary, inasmuch as investigations advance more slowly, which could lead to the application of the statute of limitations and hinder access to justice. In addition, although Law No. 14,541—which mandates that these police stations should provide psychological and legal assistance

²³⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 273–275.

²³⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²³⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

24/7— was enacted recently, its application is challenging due to resource and staff shortages across the states. Civil society organizations also claimed that only 10.2 percent of the stations currently are operational 24/7.²³⁹

Analysis and level of compliance with the recommendation

326. The Commission welcomes the measures adopted by the Federal Public Defender's Office — such as the OVM to enhance complaint management, provide training to staff and create partnerships with public and private entities— as well as its work to promote the prosecution and adjudication of cases with a gender perspective and to advance a policy to combat gender-based political violence. In this regard, it commends the specific training delivered to judiciary staff on gender issues and the prosecution and adjudication of cases of violence with a gender perspective. However, the Commission takes note of the need to strengthen and expand the network of specialized police stations for women. This issue was analyzed by the Inter-American Commission in the Maria da Penha case, where it highlighted the need for these entities that receive and investigate complaints to operate all across the country. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

327. For this recommendation to be fully complied with, the Commission underscores the importance of strengthening the Civil Police structure linked to the network of specialized police stations for women and ensuring their operation in the five regions of the country. It also invites the State to continue providing information on any measures adopted to enhance the institutional capacity of the judicial and forensic medicine agencies involved in combating violence against women.

Recommendation No. 36. Implement protocols with a gender perspective for crimes involving violence against women and develop transparent processes for overseeing their correct implementation.

328. In the 2023 follow-up report, the State informed the Commission that the CNJ had adopted Resolution No. 492/2023, which established a protocol for adjudicating cases with a gender perspective. The Commission welcomed this measure but emphasized that the information submitted regarding approved and updated protocols for investigating and prosecuting cases of violence against women was insufficient and that it had not received information on their effective implementation and oversight mechanisms. The Commission considered that there had been limited progress towards compliance with this recommendation and highlighted the need for the State to provide further details on the implementation and oversight of these protocols, including specific information about the CNJ protocols and their application by judicial authorities.²⁴⁰

Information on compliance

329. For 2024, the State reported that in 2023, the National Protocol for the Investigation and Forensic Examination of Femicide Crimes was published, originally created in 2020 and updated in January 2024. Its goal is to standardize the investigation procedures for femicides in state civil police forces and forensic agencies, as well as in the Federal District. In March 2024, the Ministry of Justice and Public Security (MJSP) gathered female professionals from various security forces to discuss the update of three key regulations: i) National Guidelines for Military Police Attention to Women Victims of Domestic Violence; ii) Technical Standard for Specialized Women's Police Stations (DEAM); iii) National Protocol for the Investigation and Forensic Examination of Femicide Crimes. The discussions aimed to review and update these regulations, which are now awaiting publication. The monitoring of their implementation is considered advisory, as the execution of investigations and measures against gender-based violence is the responsibility of state governments, which have autonomy in their implementation.²⁴¹

²³⁹ CEJIL, Response to the request for information questionnaire, November 4, 2024.

²⁴⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 277–279.

²⁴¹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

330. In addition, the State created the Database of Judgments and Decisions Issued under the Protocol for Prosecuting and Adjudicating Cases with a Gender Perspective, which is available on the CNJ website and included 2,948 rulings as of September 2024. It also indicated that the National Support and Training Committee for the Prosecution and Adjudication of Cases with a Gender Perspective promotes campaigns to encourage the use of this database in the courts.²⁴²

Analysis and level of compliance with the recommendation

331. The Commission appreciates the measures reported by the State, in particular, the creation of the National Protocol for Investigations and Expert Examinations Related to Femicides and considers that compliance with this recommendation has progressed to **partial**.

Measures and information to advance compliance with the recommendation

332. To guide compliance with this recommendation, the Commission calls on the State to provide information on the application of the National Protocol for Investigations and Expert Examinations Related to Femicides and its results. Moreover, it invites the State to share other judicial or forensic documents used to address issues related to violence against women.

Recommendation No. 37. Plan, develop, and implement educational initiatives, programs, and policies, from the formative, initial stages onwards, for all citizens, including children, addressing gender-based discrimination, with a view to getting rid of stereotypes about the inferiority of women and girls, promoting their rights to be free from violence and discrimination, advancing gender equality, and guaranteeing respect for the rights of all persons.

333. In the 2023 follow-up report, the State did not provide specific information on compliance with this recommendation; therefore, the Commission determined that compliance remained partial. To move forward with its implementation, the Commission urged the State to adopt additional measures, such as public policies, actions to promote a culture of human rights and educational campaigns aimed at eradicating subordination stereotypes and fostering equality for women and girls. The Commission also recommended that the State consolidate information on the scope, reach and outcomes of these measures and provide detailed information on any initiatives involving children.²⁴³

Information on compliance

334. In 2024, the State emphasized that the Anísio Teixeira National Institute of Educational Studies and Research (INEP), which oversees the National High School Examination (ENEM) and the National Examination for the Certification of Youth and Adult Competences (ENCCEJA), is responsible for ensuring that individuals are able to use their chosen name in the exams upon request. Brazil indicated that submitting supporting documents is not required and that persons only need to register their chosen name with the Federal Revenue Service and indicate their preference when registering for the exams.²⁴⁴

335. For their part, civil society organizations reported that a strong antigender movement has been allegedly developing in Brazil since 2014, which seeks to ban discussions about gender equality in schools, supported by initiatives in the legislative and executive branches at all levels of government. Although this movement reportedly does not hinder access to education, it causes school desertion and reinforces prejudice and discrimination. This context is allegedly linked to the Escola Sem Partido (School without party) project and to antigender laws that go against the constitutional principles of equality and nondiscrimination. Although the STF has reportedly rendered some of these laws unconstitutional, new bills have been introduced to promote homeschooling, the militarization of schools, gender segregation and the criminalization of gender

²⁴² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁴³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 281–283.

²⁴⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

education. In this regard, civil society organizations noted that resistance to these issues persists in schools, affecting teachers who aim to incorporate gender approaches into their courses.²⁴⁵

336. Furthermore, the civil society claimed that Law No. 14,161 of 2021 amends the Law on Guidelines and Foundations of National Education to introduce content on the prevention of violence against women into the basic education curriculum and creates a School Week to Combat Violence against Women in March, in which all schools participate. However, they noted that the term “gender” was removed under pressure before its approval, limiting the scope of the measure. While they acknowledged that this initiative helps to raise awareness of domestic violence, civil society organizations argued that an awareness-raising week alone would not meet the standards set forth by the Commission or the Convention of Belém do Pará for eradicating gender stereotypes. According to them, the CEDAW Committee recommends implementing mandatory gender equality education and age-appropriate sex education focused on preventing teenage pregnancy and sexually transmitted diseases.²⁴⁶

Analysis and level of compliance with the recommendation

337. The Commission regrets the lack of specific information on the implementation of this recommendation. It also voices its concern over the reports from the civil society in relation to the adoption of several measures that ban the promotion of discussions on gender issues in schools. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

338. To guide the implementation of this recommendation, the Commission urges the State to adopt additional compliance measures, such as public policies, actions to promote a culture of human rights and educational outreach campaigns aimed at eradicating subordination stereotypes and advancing gender equality. Moreover, the Commission encourages the State to refrain from adopting measures that ban discussions about gender issues in schools, as such measures perpetuate gender stereotypes in society and fail to contribute to prevent violence and discrimination.

Recommendation No. 38. Draft and implement culturally appropriate policies, with the participation of indigenous, Quilombola, and traditional community women and girls, and applying an integral and holistic approach, for preventing, investigating, prosecuting, and making reparation for acts of violence and discrimination against them.

339. In the 2023 follow-up report, the State informed that the Office for Coordinating Women’s Policies had been created within the MPI to promote the rights of indigenous women by focusing on access to justice, empowerment and respect for their sociocultural diversity. Brazil also stated that this office worked alongside other ministries and organizations, including UN Women, and led initiatives such as the Women Guardians project to empower indigenous women leaders and address gender-based violence. While the Commission welcomed these initiatives, it noted the lack of information on similar measures for women and girls from Quilombola and traditional communities. The Commission invited the State to report on public policies aimed at preventing, investigating, punishing and ensuring reparation for acts of violence and discrimination against indigenous, Quilombola and traditional community women and girls, while guaranteeing that these policies and actions were culturally appropriate and effectively implemented.²⁴⁷

Information on compliance

340. In 2024, the State reported that the Office for Coordinating Women’s Policies (COPM) of the MPI would develop the Women Guardians project, aimed at preventing and eradicating violence against

²⁴⁵ CEJIL, Response to the request for information questionnaire, November 4, 2024.

²⁴⁶ CEJIL, Response to the request for information questionnaire, November 4, 2024.

²⁴⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 285–287.

indigenous women. This project will establish a support network of women guardians and coordinators to train indigenous women, promote bioeconomics and contribute to the creation of a national plan to combat violence against indigenous women. Furthermore, it will organize conferences focused on gender, health and education issues. The State also reported that the COPM launched a call for projects on indigenous women's rights and that, together with the Child and Youth Psychosocial Care Center (CAPSI), it coordinates research on violence and health to carry out actions to protect this group, support complaints and work on preventing suicide within the indigenous community. The State also emphasized that the MPI is a member of the No Femicides Committee and that it has made a formal commitment to eradicating gender-based violence in August 2024.²⁴⁸

341. For its part, the MIR undertook actions to strengthen the autonomy and societal role of women, which contributed to reducing violence as a result of their socioeconomic empowerment. Its programs include Sabores e Saberes (Flavors and knowledge), which evaluates projects based on their respect for women's dignity, and Atlânticas (a scholarships program), which promotes the participation of women from Afro-descendant, Quilombola, Roma and indigenous communities in science. In addition, the State highlighted initiatives such as Aquilomba Brasil and the National Plan for Quilombola Territorial and Environmental Management (PNGTAQ), which promotes gender equity in environmental and territorial management.²⁴⁹

Analysis and level of compliance with the recommendation

342. The Commission applauds the measures reported by the State to prevent acts of violence and discrimination against indigenous, Quilombola and traditional community women and girls and to promote their right to live a life free of violence. However, it underscores the importance of implementing measures aimed at investigating, punishing and ensuring reparation for these violations, which must be culturally appropriate. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

343. To advance compliance with this recommendation, the Commission invites the State to provide information on the culturally appropriate measures adopted or planned for investigating acts of violence and discrimination, punishing those responsible and ensuring reparation for the victims, guaranteeing the participation of indigenous women and girls, quilombolas and traditional communities in the process.

Recommendation No. 39. Adopt comprehensive measures to respect and guarantee women's rights to sexual and reproductive health by, *inter alia*, reinforcing the availability and ongoing supply of essential services. In particular, guarantee access to high-quality maternal healthcare; safe access to contraception methods, including emergency contraception; voluntary interruption of pregnancy, when applicable, and access to true, uncensored information, in addition to the comprehensive education needed for women and girls to be able to take free and autonomous decisions.

344. In the 2023 follow-up report, the State highlighted the commitment of the Ministry of Health to providing comprehensive healthcare under the SUS, which included actions to promote reproductive and family planning under the National Policy on Comprehensive Women Healthcare (PNAISM), which sought to reduce maternal deaths and guarantee the right to legal abortion in the cases provided for by law. However, civil society organizations reported that women encountered obstacles to access to legal abortion procedures, especially in cases of sexual violence, and referred to the disparities that affect Afro-descendant women and women living in poverty. The Commission welcomed the measures adopted and considered that compliance with this recommendation had progressed to partial, although there were still challenges ahead. To move forward, the Commission urged the State to adopt a comprehensive strategy that ensured access to high-quality

²⁴⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁴⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

maternal healthcare, contraception, legal abortion procedures and sexual education, especially for vulnerable women and girls.²⁵⁰

Information on compliance

345. In 2024, the State informed that the Ministry of Health seeks to guarantee the provision of health services by offering both conception and contraception methods at all levels of care. The PNAISM, established in 2004, promotes sexual and reproductive rights, female autonomy and assistance to victims of violence. Furthermore, the Menstrual Dignity Program was launched in 2024 and distributes free sanitary pads to low-income individuals enrolled in public schools and to persons in situation of homelessness or extreme vulnerability, thus benefiting approximately 24 million people while raising awareness on the menstrual cycle.²⁵¹

346. Moreover, the State reported the creation of the National Plan against HIV/AIDS and other STIs in Women, which lays down guidelines and provides for specific actions on this issue. In addition, access to tubal ligation for family planning was expanded pursuant to Law No. 14,443 of 2022 and the right of women to have an adult companion during their stay in health centers was guaranteed under Law No. 14,737 of 2023. This law allows patients to decline a companion designated by the health unit and requires written consent for this purpose. However, health professionals may provide medical care in the absence of a companion in emergency situations to protect the patient's life.²⁵²

347. The State added that access to legal abortion in cases of rape is guaranteed by the SUS in accordance with Article 196 of the Constitution and Law No. 8,080 of 1990, which ensures universal and unrestricted access to this procedure. According to the Ministry of Health, victims have the right to free and adequate care, preserving their privacy and refraining from any discrimination on moral grounds. The State also recalled that Law No. 12,845 of 2013 requires mandatory comprehensive care tailored to the needs of sexual violence victims and has established prophylactic protocols to prevent infections following sexual assault.²⁵³

348. Finally, the State indicated that the Alyne Network was launched in September 2024 with the goal of reducing maternal mortality by 25 percent overall and specifically by 50 percent among Afro-descendant women by 2027. A total of 400 million Brazilian reais were invested in this project in 2024 to enhance maternal and infant health services, and 1 trillion Brazilian reais have already been appropriated for 2025. This program restructured emergency services, granted funding for ambulances, provided specialized teams available 24/7, promoted breastfeeding, increased resources for Neonatal Care Units and introduced new prenatal testing. The Alyne Network continues the work of the former Stork Network and honors Alyne Pimentel, a young Afro-descendant woman who died due to medical malpractice. Additional initiatives to reduce maternal mortality include the National Plan against HIV/AIDS and other STIs, along with efforts to improve malaria diagnosis in the Amazon region.²⁵⁴

349. Nevertheless, the Commission was deeply concerned over the processing of Bill No. 1904 of 2024, which criminalizes women who terminate their pregnancy after week 22 shall be sentenced to 6 to 20 years in prison, equating their penalty to that of a murderer, even in circumstances in which abortion is allowed by law, such as in the case of rape.²⁵⁵ In this context, more than 20 civil society organizations informed the Commission and the United Nations that this legislative initiative violates women's sexual and reproductive

²⁵⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 289–295.

²⁵¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁵² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁵³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁵⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁵⁵ Câmara dos Deputados, "[Projeto de lei prevê pena de homicídio simples para aborto após 22 semanas de gestação](#)," June 11, 2024.

health rights and constitutes a form of gender-based violence which may amount to torture or cruel, inhuman or degrading treatment, as outlined in Recommendation No. 35 of the CEDAW.²⁵⁶

Analysis and level of compliance with the recommendation

350. The Commission welcomes the measures reported by the State, in particular the Menstrual Dignity Program, the National Plan against HIV/AIDS and other STIs in Women, the expansion of access to tubal ligation for family planning, and the Alyne Network, which are significant policies for guaranteeing women's sexual and reproductive rights in Brazil. However, the Commission expresses its deep concern over the proposed legislation seeking to criminalize women who legally terminate a pregnancy in the country. This bill marks a significant step backwards in the protection of women's rights and imposes a disproportionate burden on victims. Based on the foregoing, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

351. To guide compliance with this recommendation, the Commission invites the State to adopt progressive measures through the executive, legislative or judicial branches to protect and advance the sexual and reproductive rights of women in Brazil. The Commission also underscores the need to ensure that all women have access to pregnancy termination procedures in the healthcare system and that immediate care is guaranteed as required by law and free of any restrictions imposed by healthcare providers or the judiciary.

H. Boys, girls, and adolescents

Recommendation No. 40. Take all necessary steps to ensure that the exceptionality principle is applied to measures aimed at adolescents at odds with the law, particularly so that deprivation of liberty is used as a last resort only, giving preference to open environment options for property-related and non-violent offenses. Accordingly, alternatives must be envisaged in proceedings so that their cases can be resolved through actions that promote the development of their personality and constructive reintegration into society.

352. The State did not provide information on the measures adopted to comply with this recommendation in its 2023 follow-up report. However, the civil society informed that the National System for Socioeducational Services (SINASE) and certain state initiatives, such as conflict-mediation and restorative justice programs in Ceará, had proved successful in implementing alternatives to criminal prosecution. In view of the lack of updated information from the State, the Commission concluded that compliance with this recommendation remained pending. To guide progress, the Commission urged the State to adopt institution-building measures aimed at reducing incarceration rates for adolescents and to provide specific details on the implementation of alternatives to prosecution.²⁵⁷

Information on compliance

353. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.²⁵⁸

Analysis and level of compliance with the recommendation

354. Considering that the State did not provide any information, the Commission concludes that compliance with this recommendation remains **pending**.

²⁵⁶ Conectas, "[ONGs fazem apelo urgente à ONU contra projeto de lei que equipara aborto legal a homicídio](#)," June 17, 2024.

²⁵⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 297–300.

²⁵⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Measures and information to advance compliance with the recommendation

355. To guide the implementation of this recommendation, the Commission calls on the State to adopt the necessary institution-building measures to reduce incarceration rates among adolescents at odds with the law and to take steps to ensure that detention is used as a last resort and for the shortest time possible. Moreover, the Commission invites the State to provide information and specific data on the implementation of alternatives to prosecution.

Recommendation No. 41. Bring all “socioeducational” (correctional) facilities into line with international criteria and standards, particularly as regards architectural parameters that should serve the underlying purpose, as well as comply with the highest safety, accommodation, educational, health, and social reinsertion standards.

356. The State did not provide updated information on its New Socioeducational Program in its 2023 follow-up report. However, it reported that the latest version of the *Technical Guidance Manual* for the National Registry of Inspections in Socioeducational Units and Programs (CNIUPS) had been published in January 2023 and that the CNIUPS Open Environment had been launched in September of the same year. These documents were aimed at enhancing judicial inspections and strengthening the monitoring of the rights of adolescents deprived of liberty. While the Commission acknowledged this progress, it considered that compliance with this recommendation remained pending since it had not received specific information on the actual conditions of detention facilities or the actions taken to align them with international standards. The Commission encouraged the State to continue its comprehensive efforts to improve the juvenile justice system, ensuring that detention facilities meet adequate standards for security, lodging, education, healthcare and social reinsertion.²⁵⁹

Information on compliance

357. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.²⁶⁰

Analysis and level of compliance with the recommendation

358. Considering that the State did not provide any information, the Commission concludes that compliance with the recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

359. To guide compliance with this recommendation, the Commission calls on the State to continue pursuing comprehensive, prompt and timely improvements in the juvenile criminal justice system. In this regard, the Commission has previously encouraged the State to adopt a socioeducational approach to ensure that juvenile detention centers meet adequate standards for security, lodging, education, healthcare and social reinsertion. Furthermore, the Commission invites the State to implement the measures that are necessary to ensure the effective incorporation of this approach.

Recommendation No. 42. Adopt measures to allow and foster contact between the adolescents in those centers and their families and communities, by promoting geographical decentralization of the centers in such a way that those adolescents can serve their time in the same place or at the center closest to their home or that of their parents or guardian, and friends.

360. In the 2023 follow-up report, the State highlighted the progress made in adopting the State System for Socioeducational Assistance Vacancy Centers under CNJ's Resolution No. 367/2021. These centers,

²⁵⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 302–305.

²⁶⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

designed to identify and distribute vacancies in socioeducational units, had already been set up in 19 states, and implementation was underway in the remaining states. The CNJ also promoted specialized hearings to ensure that judges could hear the input from adolescents and their families when making legal decisions. Notwithstanding that, the Commission noted that the State had not provided specific information on how these measures facilitated contact between adolescents and their families or on how decentralization ensured that adolescents served their sentences close to home. The Commission concluded that compliance with this recommendation remained partial and urged the State to devise concrete measures to finalize the territorial decentralization process and eliminate all barriers to family contact, as well as to report on the progress achieved in these areas.²⁶¹

Information on compliance

361. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.²⁶²

Analysis and level of compliance with the recommendation

362. Considering that the State did not provide any information, the Commission concludes that compliance with the recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

363. With a view to guiding compliance with this recommendation, the Commission invites the State to take steps to complete the process on the territorial decentralization of detention centers to ensure that adolescents serve their time at a center that is located in the same district as their home, parents, guardian or friends, or at the closest one.

Recommendation No. 43. Keep a record and conduct a serious, impartial, effective and expeditious investigation of all complaints received regarding the way the juvenile justice system operates and reply to all such complaints. In cases in which violations of the rights of the child in such centers are confirmed, adopt measures in administrative, civil and/or criminal proceedings to punish those responsible; avoid a recurrence of what happened; and proceed to make appropriate reparation to the victims and their family members.

364. In the 2023 follow-up report, the State informed the Commission about the operation of the Prison and Socioeducational System Monitoring and Inspection Groups (GMFs), created under CNJ Resolution No. 214/2015 to address deficiencies and irregularities in the socioeducational system. In addition, the civil society reported that, along with the mechanisms set up by the CNJ, the Public Prosecutor's Office, public defenders' offices and the Ligue 100 helpline, some states, including Minas Gerais, had created ombudsperson's offices to receive complaints in relation to the juvenile justice system. However, the Commission noted that the State had not provided specific information on the measures adopted in 2023 or on their outcomes. Consequently, it decided that compliance with this recommendation remained pending. The Commission invited the State to provide updated information and specific data on the implementation and results of the mechanisms reported, and to ensure that they were accessible, simple, familiar to adolescents and aligned with their needs.²⁶³

²⁶¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 307–311.

²⁶² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁶³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 313–316.

Information on compliance

365. In 2024, the State did not provide information on the measures adopted to comply with this recommendation.²⁶⁴

Analysis and level of compliance with the recommendation

366. Considering that the State did not provide any information, the Commission concludes that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

367. To guide compliance with this recommendation, the Commission invites the State to provide relevant, updated and specific information that will make it possible to verify the implementation thereof. In particular, it requests information on the implementation and outcomes of the mechanisms reported, including the GMFs and reports arising from judicial inspections. It is crucial that the State ensures these mechanisms are indeed accessible, simple, widely known to adolescents and tailored to their needs and specific conditions. Therefore, the Commission calls on the State to provide information on the actions taken to achieve these objectives.

Recommendation No. 44. Establish a juvenile justice indicators system based on international models, designed to be periodically updated, and ensure public access to that information, which needs to contain, at a minimum, data on: i) the total number of adolescents in “socioeducational” correctional facilities; ii) a breakdown of data by gender, ethnic/racial origin, migratory status, age, sexual orientation, identity and/or gender expression, and sexual characteristics, as well as any other characteristics that could trigger intersectional risks for adolescents; and iii) the number of adolescents per type of correctional regime, including the different forms of internment.

368. In the 2023 follow-up report, the State informed the Commission about the creation of a database that incorporated input from the State System for Socioeducational Assistance Vacancy Centers and the Prison System Inspection and Monitoring Department. The State reported that the data obtained from the CNIUPS forms regarding closed socioeducational units was being organized into a public, online database known as the Socioeducational Platform and that additional information was expected as of the following year once the data from the CNIUPS forms regarding open socioeducational programs had been incorporated. The platform, which was under implementation, sought to enable real-time access to data on socioeducational measures and adolescents’ profiles, including age, gender, race and ethnicity. The Commission acknowledged this progress but noted that it had not received information to verify the availability and update of this data, as well as public access thereto. Therefore, it considered that compliance with this recommendation remained partial and urged the State to provide updated and accessible information on juvenile justice indicators, and to ensure the regular update and quality of data to minimize the risks of erroneous information and duplicated records.²⁶⁵

Information on compliance

369. In 2024, the State informed that the Socioeducational Platform (PSE), developed by the CNJ in 2021 to automatize the management of processes in the socioeducational system, had begun to operate in October 2023. The Court of Justice of Rio Grande do Norte was the first to implement the platform, which replaced the previous system and enabled the input of follow-up guides for adolescents in conflict with the law, issued alerts for procedural deadlines and facilitated the creation of a reliable database on the

²⁶⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁶⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 318–321.

sociodemographic profile of these adolescents. On August 27, 2024, the CNJ took the first steps to expand the platform.²⁶⁶

370. Moreover, the State reported that, as of January 2024, judges with jurisdiction over children and adolescent matters are required to conduct biannual inspections of the open socioeducational measure programs. A panel monitored by the CNJ facilitated the collection of data on judicial inspections carried out across federal states from January to July 2024. The State also submitted information on the number of inspections conducted in 12 months divided by the number of facilities, which resulted in state-specific percentages: 100 percent (Acre, Amazonas, Federal District, Goiás, Mato Grosso, Rio de Janeiro, Rondônia, Tocantins, Alagoas, Amapá, Espírito Santo, Mato Grosso do Sul, Pará, Roraima); approximately 90 percent (Santa Catarina, Ceará, Maranhão, Piauí, Paraíba, Sergipe, Pernambuco, Paraná, Bahia, Rio Grande do Sul); approximately 70 percent (Rio Grande do Norte and São Paulo) and approximately 60 percent (Minas Gerais).²⁶⁷

371. In addition, after a six-year hiatus, the MDHC resumed the gathering and publishing of national data on the National Socioeducational Attention Policy by launching the 2023 National Data Survey of the SINASE. This survey included information on adolescents and young people subject to restrictive and custodial measures during the first half of 2023.²⁶⁸ Based on this survey, the Commission learned that the State had successfully published disaggregated data on the socioeducational system in Brazil. Key data included the number of socioeducational care units by modality and gender; the total number of units by state; information on adolescents subject to socioeducational measures, such as their gender, race, social condition and age; the type of crime committed; the number of adolescents that participated in vocational training activities; the number of adolescents that used the public psychosocial/mental healthcare network; and the number of adolescents with disabilities or children, among other details.²⁶⁹

Analysis and level of compliance with the recommendation

372. The Commission commends the compliance measures reported by the State. In particular, it highlights the implementation of the PSE, which enables the recording of sociodemographic information in the socioeducational system, as well as the management of procedural deadlines, thus promoting a more automated and up-to-date process management; the mandatory biannual inspections of the open socioeducational programs, thus ensuring a more frequent monitoring of these programs and facilitating the periodic and state-specific collection of data; and the resumption of the publication of national data of the SINASE, thus providing access to detailed information on adolescents in the socioeducational system across the country, disaggregated by gender, race and type of measure, among other indicators, which is crucial for evaluating and adjusting policies. Based on the foregoing, the Commission considers that these measures constitute significant steps towards compliance with this recommendation, since they evidence the State's efforts to establish a system of updated and accessible juvenile justice indicators. Consequently, the Commission determines that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

373. To guide full compliance with this recommendation, the Commission invites the State to expand public access to the Socioeducational Platform and to ensure that this platform is continuously updated and that disaggregated data is accessible. Additionally, the Commission encourages the State to develop mechanisms to allow for the participation of the civil society in the analysis and evaluation of juvenile justice data, thus fostering greater transparency and the enhancement of socioeducational policies.

²⁶⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁶⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁶⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁶⁹ MDHC, "[Levantamento Nacional de dados do SINASE – 2023](#)."

I. Lesbian, gay, bisexual, trans and intersex (LGBTI) persons

Recommendation No. 45. Make —and properly fund— efforts to systematically compile and analyze official statistical data on the prevalence and nature of violence and bias-based discrimination against LGBTI people.

374. In the 2023 follow-up report, the Commission took note of the creation of the National Secretariat for the Rights of LGBTQIA+ Persons under the MDCH, as a response to the historical demands from LGBTQIA+ social movements. In addition, under said secretariat, the Office for Promoting and Defending the Rights of LGBTQIA+ Persons was established, which is responsible for coordinating actions to combat violence and for promoting research on public policies impacting LGBTQIA+ persons. Furthermore, the National Council for the Rights of LGBTQIA+ Persons was set up to ensure social participation in the development and monitoring of government policies. The Commission welcomed this progress and commended the inclusion of measures to protect the rights of LGBTQIA+ persons in the 2024-2027 Multiyear Plan of the MDHC, as well as the creation of the national council as a key mechanism for social participation. However, the Commission considered that compliance with this recommendation remained partial and invited the State to continue gathering and processing data to enhance public policies and legislation aimed at protecting the rights of LGBTQIA+ persons and ensuring their social inclusion.²⁷⁰

Information on compliance

375. In 2024, the State reported that it took significant steps to compile official data on violence and discrimination against LGBTQIA+ persons and underscored Technical Cooperation Agreement No. 09 of 2023 between the MDHC and the CNJ. This agreement aims to protect LGBTQIA+ rights against violence by promoting cooperation on studies, research and data collection to develop indicators on LGBTQIAphobic violence. The agreement outlines actions, such as the creation of institutional mechanisms and standardized procedures to assist victims, investigate crimes and prevent violence targeting LGBTQIA+ individuals, as well as the preparation of an analytical report on the “Rogéria Form” concerning the efforts to combat LGBTQIAphobic violence. Additionally, it provides for the elaboration of a unified diagnosis on the measures adopted against such violence in Brazil, which should take into consideration legal frameworks, claims on LGBTQphobia, academic research and justice and public safety infrastructure, in the context of the judicial decision on Direct Action of Unconstitutionality due to Omission (ADO) No. 26/DF that criminalizes LGBTQphobia.²⁷¹

Analysis and level of compliance with the recommendation

376. The Commission welcomes the signing of Technical Cooperation Agreement No. 09/2023 between the MDHC and the CNJ. Nevertheless, it underscores that this document contains general provisions concerning studies, research, the exchange of information and access to data on human rights, including LGBTQIA+ persons. While the Commission acknowledges the importance of this initiative, it considers that it does not constitute sufficient progress towards compliance with this recommendation. Based on the foregoing, the Commission concludes that compliance with the recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

377. To guide compliance with this recommendation, the Commission invites the State to implement the measures outlined in Technical Cooperation Agreement No. 09/2023 and to provide updates on the analytical report concerning the Rogéria Form, as well as on the unified diagnosis on the measures adopted against violence. Furthermore, the Commission urges the State to continue taking steps and allocating resources to ensure a comprehensive collection and analysis of LGBTQphobia data across all Brazilian states.

²⁷⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 323–325.

²⁷¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Recommendation No. 46. Adopt such legislative measures and public policies as are needed to prevent violence, discrimination, and prejudice against persons based on their sexual orientation, identity, and/or gender expression, or whose sexual characteristics vary in accordance with masculine and feminine models. Those measures need to take into account the intersection of factors that may heighten the violence, such as ethnic/racial origin.

378. In the 2023 follow-up report, the State informed the Commission about the signing of a technical cooperation agreement between the MDHC and the CNJ. This agreement was aimed at facilitating studies, research and the exchange of information to develop indicators and produce evidence, disseminate information on human rights and combat violence against LGBTQIA+ persons. The Commission welcomed this initiative along with the aforementioned measures and acknowledged that the State had taken several steps to prevent violence and discrimination against the LGBTQIA+ community. Accordingly, the Commission determined that compliance with this recommendation had progressed to substantial partial and urged the State to continue implementing public policies, institutional strengthening actions and human rights awareness measures, including evaluation mechanisms to measure the true impact of these initiatives to prevent violence towards this group, with a special focus on violent acts against Afro-descendant trans women.²⁷²

Information on compliance

379. In 2024, the State reported that it adopted legislative and policy measures to prevent violence and discrimination against LGBTQIA+ persons, considering intersectional factors such as ethnicity and racial origin. A key development was the establishment of the National Strategy to Combat Violence against LGBTQIA+ Persons by means of Regulation No. 756 of December 2023, which focuses on safeguarding LGBTQIA+ persons in situations of vulnerability and social risk, particularly those facing discrimination due to their gender identity and expression, sexual orientation or sexual features. As part of this strategy, the National Program for the Strengthening of LGBTQIA+ Shelters or Acolher+ (Shelter+) program was created by means of Regulation No. 755, which seeks to protect the rights of LGBTQIA+ persons at social risk or with severed family ties, thus promoting the full enjoyment of their rights.²⁷³

380. In addition, the State indicated that the Aquilomba Brasil program and the PNGTAQ include specific goals to foster the participation of LGBTQIA+ persons in Quilombola communities by promoting gender and generational equity while safeguarding the physical integrity of these groups —especially women, young persons and LGBTQIA+ leaders— in territories in conflict.²⁷⁴

381. Finally, the State added that it devised measures specifically aimed at addressing violence against Afro-descendant trans women and other LGBTQIA+ persons who are in a vulnerable situation due to their gender identity and ethno-racial origin. These efforts included the diagnosis of risk factors for violence conducted by the MDHC under Technical Cooperation Agreement No. 134 of 2024, which sought to strengthen public services specialized in health, public safety, justice and social assistance for LGBTQIA+ persons suffering violence. In addition, the Empodera+ (Empower+) program, which was created in 2024 with the purpose of fostering the social and economic inclusion of LGBTQIA+ persons, is aimed at increasing employment and income generation opportunities for Afro-descendant and transgender persons in a vulnerable situation by addressing the barriers to access and stay in the formal labor market.²⁷⁵

Analysis and level of compliance with the recommendation

382. The Commission welcomes the policies implemented to address violence towards LGBTQIA+ persons, including the National Strategy to Combat Violence against LGBTQIA+ Persons, the Acolher+ program, the technical cooperation agreement and the Empodera+ program. Nevertheless, it observes that these

²⁷² IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 330–332.

²⁷³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁷⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁷⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

measures were introduced in 2023 or 2024 and that they are still in the early implementation stages. With regard to the intersectional violence experienced by Afro-descendant LGBTQIA+ individuals, especially Afro-descendant trans women, the Commission emphasizes that the measures outlined by the State require further reinforcement. Finally, the Commission expresses its concern over the existence of nearly a hundred laws across different domains that, while claiming to protect rights, ultimately violate the rights of cross-dressing and trans persons in the country. Consequently, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

383. To guide compliance with this recommendation, the Commission invites the State to submit detailed information on the implementation of the National Strategy to Combat Violence against LGBTQIA+ Persons, the Acolher+ program, the technical cooperation agreement and the Empodera+ program, as well as on their outcomes, to assess whether these initiatives are sufficient to reduce violence against LGBTQIA+ persons in Brazil. The Commission requests additional information on the measures adopted to address violence against LGBTQIA+ individuals under an ethnic-racial approach with a special focus on Afro-descendant trans women.

Recommendation No. 47. Adopt comprehensive public policies that consolidate progress made as regards civic status (*cidadania*), equality, and dignity for the trans and diverse gender population, including guaranteeing the right to gender identity.

384. The State did not submit specific information on compliance with this recommendation in its 2023 follow-up report. However, the Commission acknowledged the State's expressed commitment to advancing the protection of the rights of LGBTI persons, as evidenced in the information provided regarding previously addressed recommendations and concluded that compliance with this recommendation remained partial. Furthermore, the Commission urged the State to develop inclusive public policies targeted at trans and gender-diverse persons, as well as to adopt a comprehensive approach that spanned from policy design to evaluation, and that included the active participation of the civil society and the development of indicators to assess their effectiveness.²⁷⁶

Information on compliance

385. The State reported that it adopted several measures to strengthen and evaluate inclusive public policies for the trans and gender-diverse population. The State referred to the National Strategy for Dignified Work, Education and Income Generation for LGBTQIA+ Persons, which was implemented in February 2024 to promote the social and economic inclusion of this community, with a particular focus on Afro-descendant and trans individuals in a vulnerable situation. The State also reported on the Empodera+ program, currently in its pilot phase in four states, which seeks to foster the employability and professional development of LGBTQIA+ persons, thus supporting their autonomy and dignity.²⁷⁷

386. In turn, the Acolher+ program, launched in December 2023, aims to protect and promote the rights of LGBTQIA+ individuals in a situation of social vulnerability, including those with severed family ties. This program, which selected 12 LGBTQIA+ Shelter Houses across five regions of the country in 2024, operates with the support of the civil society to provide shelter and access to social and cultural services, and to integrate these facilities into the state structure. The State reported that it entered into agreements to foster model shelter projects which also operate as cultural spaces, thus ensuring access to health services, decent employment and citizen engagement activities. The first public LGBTQIA+ Shelter House was established in Belém during 2023, and the network is expected to expand to other regions in 2025 under additional agreements with states and municipalities.²⁷⁸ The State highlighted that both initiatives incorporate training

²⁷⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 334–336.

²⁷⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁷⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

on human rights and citizen participation under a cross-cutting approach using public technologies to foster the autonomy and dignity of the LGBTQIA+ community.²⁷⁹

387. Based on publicly available information, the Commission takes note of the existence of 77 anti-trans laws in both municipalities and 18 states and observes that more than a third of these have entered into force in the past year. The justification for these laws is to protect the rights of children, adolescents, and women and guarantee religious freedom. The IACHR also learned that some of these norms prohibit the use of neutral language and, in addition, would prevent the discussion of gender issues in schools, which would disagree with the decisions of the Federal Supreme Court (STF). At least 11 of these laws have already been declared unconstitutional by the courts²⁸⁰.

Analysis and level of compliance with the recommendation

388. The Commission highly appreciates the compliance measures reported by the State, particularly the National Strategy for Dignified Work, Education and Income Generation for LGBTQIA+ Persons, the Empodera+ program and the Acolher+ program. Based on the information submitted by the State, the Commission acknowledges that these policies constitute progress towards advancing rights, equality and dignity for the trans and gender-diverse population. However, these are all recent measures introduced in 2023 or 2024 and there is no information available on their impact. Consequently, the Commission considers that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

389. To guide full compliance with this recommendation, the Commission invites the State to provide information on the implementation of the reported measures to ensure the development of comprehensive public policies that consolidate progress in terms of rights, equality and dignity for the trans and gender-diverse population, including safeguarding the right to gender identity. Finally, it highlights the need to review the aforementioned laws that would have the capacity to violate the rights of transvestites and transsexuals.

Recommendation No. 48. Create and implement policies that guarantee the right of LGBTI persons, especially trans and diverse gender persons, to access healthcare services without being subjected to discrimination and violence.

390. In the 2023 follow-up report, the Commission took note of the initiatives undertaken by the Ministry of Health and the MDHC aimed at guaranteeing the right to health of LGBTQIA+ persons and highlighted the strengthening and expansion of the Transsexualization Process policy as a crucial step forward for the trans community in Brazil. In view of these measures, the Commission considered that compliance with this recommendation had progressed to partial and encouraged the State to continue reinforcing this policy, including through the implementation of monitoring and evaluation mechanisms. The Commission also invited the State to provide information on the policies adopted to ensure that other LGBTI persons could access their right to health without discrimination.²⁸¹

Information on compliance

391. In 2024, the State reported on the implementation of specific policies to ensure access to health services for LGBTQIA+ individuals. In this regard, it noted that the National Comprehensive Health Policy for the LGBTQIA+ Community, established in 2011, seeks to ensure adequate care at SUS centers by addressing barriers to access and promoting equity. The State also referred to the Specialized Healthcare Program for the Trans Community (PAESPopTrans) of 2024, designed to expand specialized SUS services for trans persons.

²⁷⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁸⁰ Folha de S. Paulo. Brazil has at least 77 anti-trans laws in force in 18 states, January 28, 2024.

²⁸¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 338–342.

This program complements the LGBTQIA+ comprehensive health policy and is focused on expanding services and training professionals to deliver equitable and inclusive care.²⁸²

392. Regarding the Transsexualization Process policy, the State reported that it provides access to health services for gender transition, including hormone therapies and sex reassignment surgeries, funded by the Strategic Actions and Compensation Fund (FAEC). The policy is currently under review by an interministerial working group established in 2023, which issued a final report suggesting improvements to expand services and address the shortage of qualified hospitals and the high demand for specialized care. The State further noted that there are 10 hospital services and 12 outpatient clinics within the SUS network to treat the trans community, along with 104 local services, although not all of them are officially authorized. The government aims to expand these services in the coming years, prioritizing regional coverage and reducing waiting lists.²⁸³

393. The State informed that the impact of the Transsexualization Process policy is constantly monitored through periodic reports that evaluate the number of services provided, the expansion of the services and the procedures performed. The State also referred to the use of remote consultation and treatment services as a mechanism to enhance process management and monitoring. Additionally, the Office for Regulatory Impact Analysis prepares annual reports on performance and budget impact analysis to ensure the efficient use of resources and the continuous expansion of the services, and the interministerial working group recommends monitoring improvements to increase accessibility and efficiency within the SUS for trans persons.²⁸⁴

Analysis and level of compliance with the recommendation

394. The Commission welcomes the measures reported by the State to implement policies that guarantee the right to health for LGBTQIA+ individuals, in particular, the PAESPopTrans program, introduced in 2024 as a mechanism to strengthen the National Comprehensive Health Policy for the LGBTQIA+ Community with regard to trans persons. The Commission also commends the efforts to expand the services offered under the Transsexualization Process policy and address shortages in authorized hospitals, as well as meet the high demand for specialized care. However, it regrets that no additional health centers were authorized to provide services to trans persons. Considering that the PAESPopTrans was established in 2024, the Commission notes that an evaluation of its outcomes and effectiveness in guaranteeing the right to health for LGBTQIA+ individuals is not yet available. Moreover, it notes that the interministerial working group tasked with evaluating the Transsexualization Process policy recommended strengthening its monitoring to increase the accessibility and efficiency of the services offered by the SUS to trans persons, which is likely already underway. Based on the foregoing, the Commission determines that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

395. To advance towards full compliance with this recommendation, the Commission encourages the State to continue enhancing its public health policies targeted at LGBTQIA+ individuals, with a special focus on trans persons, and underscores the importance of receiving additional information on the implementation of the PAESPopTrans and the authorization of new health centers to provide treatment under the Transsexualization Process policy.

Recommendation No. 49. Adopt any legislative and public policy measures needed to promote the rights of LGBTI persons, including those conducive to cultural changes via an inclusive education with a diversified gender perspective.

²⁸² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁸³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁸⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

396. In the 2023 follow-up report, the State informed the Commission about the participation of the MEC in the National Council for the Rights of LGBTQIA+ Persons and the creation of a working group to shed light on historic human rights violations against LGBTQIA+ individuals to guarantee their rights to truth, memory and dignity, as well as to foster inclusion and nondiscrimination. The Commission welcomed this progress towards compliance with this recommendation and emphasized the importance of adopting educational and cultural measures to promote the rights of LGBTQIA+ persons.²⁸⁵

Information on compliance

397. In 2024, the State reported that, to promote inclusive education on gender diversity, the MEC issued Regulation No. 614 in July 2024 to implement policies against harassment, prejudice and discrimination in schools. Under said regulation, a technical working group (GTT) was created, which is tasked with investigating these issues, organizing conferences and seminars and offering recommendations to the MEC on programs and policies for monitoring and evaluation. The State added that it implemented quotas for trans individuals in several Brazilian universities, such as the Federal University of the ABC Region and the University of Bahia State, with a view to improving access to higher education for this population.²⁸⁶

398. Furthermore, the State informed that, in addition to the initiatives undertaken in universities, the federal government announced in 2023 that 2 percent of the positions in the upcoming labor auditor selection process will be reserved for trans persons, in an attempt to reduce marginalization and offer education and employment opportunities to a population that has historically faced barriers. These measures seek to correct the historical exclusion of trans people from educational and professional environments. In addition, the INEP ensures that individuals are able to use their chosen name in national exams such as the ENEM and ENCCEJA, thus allowing participants to identify themselves according to their gender identity.²⁸⁷

Analysis and level of compliance with the recommendation

399. The Commission welcomes the issuance of Regulation No. 614, which established a technical working group tasked with conducting research to help with the implementation of policies against harassment, prejudice and discrimination in schools. It also commends the introduction of quotas for trans individuals into public universities and public service selection processes. While these measures constitute positive steps towards compliance with this recommendation, the Commission considers them insufficient to ensure a cultural shift with regard to the rights of LGBTQIA+ persons through education. Consequently, the Commission determines that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

400. To guide the State towards full compliance with this recommendation, the Commission underscores the importance of implementing public education policies aimed at fostering meaningful cultural change and highlights the potential of the technical working group to develop a robust antidiscrimination policy in schools that upholds the rights of LGBTQIA+ persons.

Recommendation No. 50. Continue making headway with the institutional framework for the human rights agenda of LGBTI persons and ensuring its consolidation by endowing it with adequate budget and trained personnel who will work effectively to uphold it.

401. In the 2023 follow-up report, the State informed about the allocation of resources to the National Secretariat for the Rights of LGBTQIA+ Persons as part of the 2024-2027 Multiyear Plan, as well as the issuance of a public call for training defenders focused on LGBTQIA+ rights. The Commission acknowledged the establishment of said secretariat as a step towards institutional strengthening, determined that compliance

²⁸⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 344–346.

²⁸⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁸⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

with this recommendation had progressed to partial and invited the State to continue reinforcing these institutions by ensuring adequate resources and personnel.²⁸⁸

Information on compliance

402. In 2024, the State reported that it earmarked resources for policies and programs focused on the human rights of LGBTQIA+ persons. The State highlighted that it has signed a decentralized execution agreement with FUNDACENTRO with the purpose of supporting the implementation of the Empodera+ program, under which 3 million Brazilian reais will be invested. The State also allocated 1,633,333 Brazilian reais to the Human Rights of LGBTQIA+ Persons: Social Participation and the Right to Health program under the Bem Viver+ (Quality of life+) program. In addition, the State channeled funds into hiring personnel to organize the Fourth National Conference on the Rights of LGBTQIA+ Persons. The resources provided in 2024 amounted to 20 million Brazilian reais and were aimed at supporting the implementation of policies and programs targeting this population.²⁸⁹

403. Furthermore, the State reported on the implementation of various measures aimed at training personnel on LGBTQIA+ rights. In this regard, the State indicated that it offers the Course on the Promotion and Defense of the Rights of LGBTQIA+ Persons in collaboration with the School of Public Administration (ENAP), a certified, 30-hour public course which had been completed by 25,690 people as of the date of this report. The State added that it provides weekly training to personnel involved in the Empodera+ program and quarterly training to the assistance network. It also runs a course for users focused on rights, health and occupational safety. Moreover, the Acolher+ program kicked off with a seminar on methodology, and meetings are held every two weeks to discuss and evaluate topics related to care and service enhancement by means of both qualitative and quantitative analysis methods.²⁹⁰

404. Finally, the State reported on the key initiatives undertaken by the National Council for the Rights of LGBTQIA+ Persons including: i) issuing Joint Resolution No. 1 of March 26, 2024, which outlines standards for the treatment towards LGBTQIA+ persons deprived of liberty; ii) participating in the Intercouncil Forum, where it submitted proposals for the Participatory Climate Plan within the framework of the national mitigation and adaptation strategies; iii) collaborating with All Out, a nongovernmental organization, on a joint fundraising campaign between June and August 2024 to support LGBTQIA+ individuals impacted by the climate crisis in Rio Grande do Sul; and iv) planning the Fourth National Conference on the Rights of LGBTQIA+ Persons, to be held in October 2025 in Brasilia.²⁹¹

Analysis and level of compliance with the recommendation

405. The Commission welcomes the measures reported by the State to continue making progress in establishing an institutional framework for the human rights agenda of LGBTQIA+ persons. It highlights initiatives such as the Empodera+ program, aimed at promoting the inclusion of LGBTQIA+ persons in the labor market; the organization of the Fourth National Conference on the Rights of LGBTQIA+ Persons; the course offered by the ENAP, which has already been completed by 25,000 participants; and the creation of the National Council for the Rights of LGBTQIA+ Persons. Based on the information provided, the Commission considers that the State has invested resources to set an institutional framework for LGBTQIA+ persons and therefore concludes that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

406. To guide the State towards full compliance with this recommendation, the Commission emphasizes the importance of guaranteeing, for instance, the allocation of resources to the Empodera+

²⁸⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 348–351.

²⁸⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁹¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

program, so that it can evolve into an internalized and permanent social public policy guaranteed by the State. In addition, funds should be secured to hold future editions of the National Conference and to ensure the operation and structure of the National Council. Moreover, the Commission urges the State to continue reinforcing institutions and policies aimed at LGBTQIA+ persons.

J. Persons with disabilities

Recommendation No. 51. Adopt measures designed to guarantee equality before the law for persons with disabilities, safeguarding their legal capacity on an equal footing with other people.

407. In the 2023 follow-up report, the State highlighted its commitment to the Convention on the Rights of Persons with Disabilities and the progress made by means of the Viver sem Limite II (Living without limits II) plan, which seeks to promote the civil, political, economic, social and cultural rights of persons with disabilities. The Commission welcomed the strengthening of the legal framework and the implementation of this comprehensive plan, considered that compliance with this recommendation had progressed to partial thanks to these initiatives and encouraged the State to continue adopting comprehensive measures and reporting on their design and implementation to guarantee the equality of persons with disabilities.²⁹²

Information on compliance

408. In 2024, the State reported that the Novo Viver Sem Limite (New living without limits, NVSL) plan, which is the national plan on the rights of persons with disabilities, had been launched in November 2023. The State informed that the NVSL, which was made up of 95 measures and was backed by an investment of 6.5 trillion Brazilian reais, has taken considerable steps forward, such as the adoption of new health regulations for persons with disabilities, the setting up of laboratories in the National Network for Research, Technological Development and Certification of Technical Assistance, and the creation of an observatory to ensure transparency and the social oversight of the NVSL activities. The observatory provides updates on the progress of the NVSL initiatives and shares news on states that have adhered to the plan, as well as other information resources.²⁹³

409. In addition, the State reported that the NVSL is managed by means of a joint effort between the Managing Committee and the Executive Group of the Interministerial Chamber for the Rights of Persons with Disabilities (CIDPD), under the MDHC. The State noted that this is the first time that a national plan for persons with disabilities has an interministerial governance structure, which includes technical chambers dedicated to areas such as public policies and psychosocial disabilities, education and employment, and technological assistance and innovation. The first chamber is about to be set up. Getting states, municipalities and the federal district to voluntarily adhere to the NVSL is a priority for 2024, as it facilitates access to earmarked resources. Furthermore, according to the State, as of September 2024, six states (Alagoas, Bahia, Ceará, Maranhão, Paraíba and Piauí) have joined the plan and, due to the October 2024 election, interested municipalities will be able to join in 2025.²⁹⁴

410. To ensure that persons with disabilities fully enjoy their legal capacity, the State reported that it adopted measures to adapt its legislation to the Convention on the Rights of Persons with Disabilities, which holds constitutional status and prevails over ordinary laws, and it informed that this convention tacitly repealed prior conflicting norms and serves as a guiding framework for new laws and judicial and administrative decisions. With regard to the Brazilian Inclusion Law (LBI), which has been in force since 2015, the State noted that said law amended Civil Code provisions concerning the civil capacity of persons with disabilities and that Article 6 of the LBI sets forth that disability does not affect the full civil capacity of persons with disabilities, thus enabling them to exercise rights such as the right to marriage, sexual and reproductive autonomy, family decisions and equal opportunities in adoption on an equal footing with other people. The LBI

²⁹² IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 353–356.

²⁹³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁹⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

further ensures equal access to justice for persons with disabilities and mandates the State to provide training on the rights of persons with disabilities to judicial personnel. To implement these protections, the CNJ issued Resolution No. 401 of 2021, which governs accessibility within the judiciary and the availability of assistive technology.²⁹⁵

Analysis and level of compliance with the recommendation

411. The Commission commends the public policies implemented by the State, which encompass a series of actions aimed at guaranteeing equality before the law for persons with disabilities, as well as acknowledging the Convention on the Rights of Persons with Disabilities as an instrument with constitutional status. Based on the foregoing and on the information reported on the LBI and its implementation, the Commission concludes that the recommendation has reached **full compliance**. As a result, the Commission will cease its follow-up as of next year.

Recommendation No. 52. Eliminate laws, regulations, and practices that discriminate against persons with disabilities, including in connection with healthcare and, in particular, with respect to medical treatment.

412. In the 2023 follow-up report, the State informed that it had reviewed and enhanced the Care Network for Persons with Disabilities (RCPD), and that it had updated the National Health Policy on Persons with Disabilities to incorporate an intersectional approach. The State also highlighted the 2015 Statute on Persons with Disabilities, which defines discrimination based on disability and classifies discriminatory acts as criminal offenses. The Commission welcomed this progress, considered that compliance with this recommendation had progressed to partial and suggested that the State should continue revising and updating legislation to eliminate discriminatory provisions and fully guarantee the rights of persons with disabilities.²⁹⁶

Information on compliance

413. In 2024, the State reported that the RCPD, established by the Ministry of Health in 2012, seeks to create and expand SUS care facilities for persons with disabilities. This network operates in coordination with Basic Care, the Psychosocial Care Network and the SUAS to offer outpatient services nationwide. In 2023, GM/MS Regulation No. 1526 introduced updates and increased federal financial incentives by 25- 35 percent for the funding of Specialized Rehabilitation Centers (CERs) and Orthopedic Offices and Dental Specialty Centers (CEOs). Furthermore, additional resources were allocated to adapted medical transportation, and the budget for CERs serving individuals with autism spectrum disorder (ASD) was increased by 20 percent. The network comprises 309 CERs and 51 orthopedic offices, and 30 new CERs and 23 additional orthopedic offices are expected to be set up across 24 states, the progress of which can be monitored through the government portal.²⁹⁷

414. The State added that the National Policy on Comprehensive Healthcare for Persons with Disabilities (PNAISPD), updated in October 2023, seeks to improve the health and quality of life of persons with disabilities through the SUS. This policy focuses on expanding access to comprehensive care and fostering social inclusion under a biopsychosocial approach. It is implemented under the coordination of care networks, particularly in primary care, and includes the provision of assistive technologies and rehabilitation services to promote accessibility and community participation. The expansion of the RCPD is facilitating the gradual implementation of this policy nationwide, thus strengthening cross-sectoral coordination and integrating actions at the territorial level.²⁹⁸

415. In turn, civil society organizations claimed that thousands of persons with disabilities in Brazil spend their lives in institutional settings, such as hospitals or inclusive residences. While these environments

²⁹⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁹⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 359–363.

²⁹⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

²⁹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

vary, they are reportedly detrimental to individuals, inasmuch as these facilities keep them apart from their families, thus limiting personal autonomy and confining them to depersonalized and overcrowded centers. Civil society organizations claimed that the Viver sem Limite II plan, launched in 2023, fails to address pathways for deinstitutionalization or provide alternatives for independent living within the community. Although inclusive residences are reportedly in better conditions than large institutions, they still impose restrictions on the autonomy of residents. Furthermore, civil society organizations called on the State to evaluate existing institutional arrangements and to develop community-based services aimed at promoting the independence of persons with disabilities, in line with the recommendations of the United Nations Committee on the Rights of Persons with Disabilities.²⁹⁹

Analysis and level of compliance with the recommendation

416. Based on the information submitted by the State, the current legislation aims to adopt a differentiated approach by means of affirmative measures even within the health sector. However, the Commission observes that, according to civil society organizations, persons with disabilities continue to face institutionalization processes, even though international standards call for mechanisms that guarantee a social model of inclusion for these individuals.

417. In view of the foregoing, the Commission considers that the laws in place seek to prevent discrimination and provide for significant affirmative actions targeted at this group. Accordingly, it concludes that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

418. To guide full compliance with this recommendation, the Commission invites the State to provide information on any laws or policies implemented to ensure institutional reception models and guarantee non-discrimination and the full exercise of the rights of institutionalized persons with disabilities.

Recommendation No. 53. Adopt measures designed to guarantee the right of persons with disabilities to the highest possible state of health, on an equal footing with other people, eliminating any barriers that prevent or obstruct access to health information, services, and assets.

419. In the 2023 follow-up report, the State informed the Commission about the creation of a working group to implement the Standardized Biopsychosocial Disability Assessment under a comprehensive and participatory approach. The State also highlighted the training of health professionals, the expansion of SUS services, the improvement of regulatory aspects associated with the RCPD, the revision of the National Health Policy and the joint efforts under the Viver sem Limite II plan. The Commission acknowledged this progress, considered that compliance with this recommendation had progressed to partial and suggested that the State should continue adopting specific measures to ensure that persons with disabilities can access health services on an equal footing with other people.³⁰⁰

Information on compliance

420. In 2024, the State reported that the interministerial working group established in 2023 was tasked with developing a proposal for a standardized biopsychosocial disability assessment in Brazil. This model moves beyond the traditional medical approach by understanding disability as the result of the interaction between individual limitations and social and environmental barriers, in line with the Convention on the Rights of Persons with Disabilities and the LBI. The working group's final report outlines a detailed methodology for implementing this unified assessment, with recommendations for an inclusive, accessible and transparent process. The working group was made of representatives from various ministries, specialists and

²⁹⁹ HRW, Response to the request for information, October 2024.

³⁰⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 365–371.

members of the civil society, and its discussions were open and broadcasted live to ensure transparency and foster broad social participation.³⁰¹

421. In addition, the State informed that the aforementioned final report underscored the importance of the standardized biopsychosocial assessment in ensuring equal access to public policies for persons with disabilities in Brazil by acknowledging disability as the interaction between health conditions, personal factors and social barriers. The report suggests that the Modified Brazilian Functionality Instrument (IFBrM) should be used as the official evaluation tool and that the National Disability Evaluation System (SISNADEF) should be created to manage the evaluation process at the national level. The report also recommends training interdisciplinary teams, revising regulations, developing monitoring indicators, implementing an accessible communication plan and creating a National Managing Committee to oversee and coordinate the SISNADEF.³⁰²

422. Furthermore, the State indicated that the adoption of the Standardized Biopsychosocial Disability Assessment was still under study so as to determine its financial and social impact. In addition, a technical cooperation agreement was entered into between various ministries, and a protocol of intentions was signed with the IPEA to analyze the budgetary impact and to design an implementation strategy. An agreement with the MDA was also reached to coordinate cross-sectoral actions within the National Care Policy. Finally, a series of collaborations were established with the states of Bahia and Piauí to conduct implementation studies and train evaluators.³⁰³

423. The State added that it continues to provide training to RCPD managers and health professionals by means of on-site monitoring and free courses available on the UMA-SUS and AVA-SUS educational platforms. The State is also developing a specialist course in cooperation with Fiocruz, as well as a prosthetics and orthotics technician course. As for the services available, 86 new construction projects have been approved since 2023, which require an investment of over 421 million Brazilian reais and significant budget increases compared to previous years. The State finally reported that the revision of the National Health Policy for Persons with Disabilities had been completed with the updates on regulations issued in 2023.³⁰⁴

Analysis and level of compliance with the recommendation

424. The Commission notes that some of the measures reported by the State are in the development and implementation phases. While the information submitted by the State demonstrates progress in adopting measures to guarantee the right to health of persons with disabilities, certain actions have yet to be developed. Based on the foregoing, the Commission considers that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

425. The Commission invites the State to continue taking steps to adopt and strengthen the reported measures and to provide information that shows their full implementation.

Recommendation No. 54. Put a stop to all coercive practices, guaranteeing the free and informed consent of persons with disabilities to the medical care they receive, and provide them with any support they need to make decisions, including mental healthcare.

426. In the 2023 follow-up report, the State highlighted its commitment to the reparation measures ordered by the Inter-American Court of Human Rights in *Ximenes-Lopes v. Brazil* and underscored the allocation of resources to strengthen the Psychosocial Care Network and resume the National Health Conferences. The

³⁰¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁰² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁰³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁰⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

State reported on the implementation of the Human Rights and Mental Health Training Program and the establishment of policies against institutional settings for persons with disabilities, as required by CNJ's Resolution No. 487 of 2023. The Commission considered that compliance with this recommendation had progressed to partial and suggested that the State should continue implementing measures to ensure informed consent and tailored support in medical and mental healthcare.

Information on compliance

427. In 2024, the State reported that it ensured free and informed consent in medical services for persons with disabilities within the framework of the LBI of 2015, based on the Convention on the Rights of Persons with Disabilities. In addition, according to the State, the MDHC operates the Disque 100 helpline to receive complaints of human rights violations. Regarding the Psychosocial Care Network, the State informed that services had been expanded and funding had been increased from 1.567 billion Brazilian reais in 2021 to 2.117 billion Brazilian reais in 2024. The State also extended the scope of the De Volta pra Casa (Return home) program, which supports the psychosocial rehabilitation of individuals with a history of prolonged hospitalization, thus fostering personal autonomy and the right to live in freedom. Furthermore, the Ministry of Health established the Mental Health Department to strengthen human rights in this area, and the SESAI/MS provides psychosocial care to indigenous populations by introducing traditional practices to address issues such as suicide and substance abuse in these communities.³⁰⁵

428. Moreover, the State emphasized that the working group tasked with revising the Standardized Biopsychosocial Disability Assessment completed its work in May 2024, and that this revision will have an impact on the mental health assessment model, which will shift away from the predominant biomedical/psychiatric model. The MDHC is holding a technical roundtable on public policies and psychosocial disability to build consensus on mental health policies that address the emerging needs of recent years, particularly those concerning people with ASD and deinstitutionalization, in accordance with CNJ's Resolution No. 487.³⁰⁶

Analysis and level of compliance with the recommendation

429. The Commission commends the actions reported by the State but notes that these are focused on rehabilitation, budget increases and evaluation mechanisms for existing measures. The State did not provide information on any specific actions to ensure the free and informed consent of persons with disabilities in medical care by means of decision-making support systems, including mental healthcare services. While the reported measures have a positive impact on the rights of persons with disabilities, the Commission does not have sufficient information to confirm the implementation of support systems for this population. Therefore, compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

430. To advance compliance with this recommendation, the State should provide information on the actions implemented to ensure the availability of support systems for persons with disabilities. In this regard, the Commission encourages the State to explain how the operation of these systems is guaranteed in practice, beyond the scope of the LBI.

Recommendation No. 55. Guarantee the rights of persons with disabilities to sexual and reproductive healthcare, especially as regards consent, privacy, and protection against cruel, inhuman, and degrading treatment.

431. In the 2023 follow-up report, the State made reference to the Viver sem Limite II plan, which provides for the installation of accessible equipment in primary and specialized care, such as gynecological

³⁰⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁰⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

examination tables and breast examination equipment. The State also focused on reducing barriers and violence against persons with disabilities through training targeted at healthcare professionals. However, the Commission considered that it had not received sufficient information on measures to ensure informed consent in sexual and reproductive health services, the right to privacy and protection against cruel treatment. Therefore, it found that compliance with this recommendation remained pending and requested additional information on these specific issues.³⁰⁷

Information on compliance

432. In 2024, the State reported that the Brazilian Law on the Inclusion of Persons with Disabilities (Law No. 13,146 of 2015) guarantees the full exercise of the rights of persons with disabilities as regards access to sexual and reproductive healthcare. This law also protects persons with disabilities from cruel, inhuman or degrading treatment in these contexts and establishes that cases involving violence must be reported to the competent authorities. The State also informed that the right of persons with disabilities to privacy and confidentiality in sexual and reproductive health services is protected by both this law and the General Law on the Protection of Personal Data (LGPD, Law No. 13,709 of 2018).³⁰⁸

Analysis and level of compliance with the recommendation

433. The Commission considers that the enactment of the Brazilian Law on the Inclusion of Persons with Disabilities represents a significant step towards ensuring the rights of this population in Brazil. However, it emphasizes that the mere enactment of a specialized law does not necessarily guarantee the protection of and respect for the human rights enshrined therein. In this regard, the Commission notes that, while the State reported on the content of this law, it did not detail how its application is ensured in practice through specific measures, particularly with regard to sexual and reproductive rights. Consequently, the Commission determines that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

434. The Commission invites the State to report on the enforcement of the Brazilian Law on the Inclusion of Persons with Disabilities and on the measures adopted to ensure its effective application, particularly as regards the guarantee of sexual and reproductive healthcare for persons with disabilities, protecting their privacy and contemplating consent.

Recommendation No. 56. Take steps to ensure that persons with disabilities have access to justice on an equal footing with others, by eliminating discriminatory practices, removing obstacles of any kind, and making reasonable adjustments to facilitate access.

435. In the 2023 follow-up report, the State announced the resumption of municipal, state and national conferences on the rights of persons with disabilities after a seven-year hiatus. It also highlighted CNJ's Resolution No. 401 of 2021, which establishes guidelines on access to justice, and Resolution No. 487 of 2023, which introduces a policy against institutionalization measures for detained persons with psychosocial disabilities, in line with the jurisprudence of the Inter-American Court of Human Rights and international conventions. The Commission welcomed these measures as a step towards inclusive justice and requested additional information regarding the implementation of these resolutions and the Committee for Persons with Disabilities.³⁰⁹

³⁰⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 380–383.

³⁰⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁰⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 385–389.

Information on compliance

436. In 2024, the State reported that Articles 79 to 87 of the Brazilian Law on the Inclusion of Persons with Disabilities (Law No. 13,146 of 2015) ensure effective and equal access to justice for persons with disabilities. In addition, following municipal, state and district conferences, the Fifth National Conference on the Rights of Persons with Disabilities was held between July 14 and July 17, 2024, whose central theme was “Current and Future Scenarios in the Implementation of the Rights of Persons with Disabilities.”³¹⁰

437. Furthermore, the State referred to the significant progress made in the implementation of the Judiciary Policy Against Institutionalization Measures following the issuance of CNJ’s Resolution No. 487/2023. Achievements under this policy include the signing of a protocol of intent with the Ministry of Health for interinstitutional cooperation, the publication of an explanatory manual to guide its application and the creation of an informative page on the CNJ’s website. In addition, 29 committees or working groups have been established across 25 states to monitor implementation, and 15 states have prohibited new admissions to custodial psychiatric hospitals. Since the resolution was passed, 1,410 persons have been released from institutional settings, reintegrated into their family environment or granted access to housing and social support services. Moreover, the number of Therapeutic Measures Evaluation and Monitoring Teams (EAP) has increased from 9 to 22 in 16 states. At the federal level, the National Interinstitutional Committee (CONIMPA) developed a protocol to coordinate cross-sectoral actions and services to strengthen policy implementation in collaboration with the executive branch.³¹¹

438. Finally, the State reported that CNJ’s Resolution No. 401 of 2021 sets out guidelines to ensure accessibility and inclusion for persons with disabilities in the judiciary and regulates the operation of accessibility and inclusion units. According to the CUMPRIDEC’s monitoring procedure, in 2022, 75 out of the 91 national courts (approximately 80 percent) partially complied with the resolution. However, the report noted that 13 courts failed to provide information and that three submitted insufficient data.³¹²

Analysis and level of compliance with the recommendation

439. The Commission commends the public policies designed to guarantee equality before the law for persons with disabilities. Similarly, it considers that encouraging the discontinuation of institutionalization processes is a positive step towards ensuring the rights of persons with disabilities under a social model approach. Notwithstanding that, this recommendation specifically addresses the need to provide reasonable accommodations to ensure access to justice. In this regard, even though the State reported on CNJ’s Resolution No. 401 of 2021, which lays down guidelines to ensure accessibility and inclusion for persons with disabilities in the judiciary, it did not provide information on any specific measures and/or reasonable accommodations implemented in compliance with these guidelines. Therefore, the Commission concludes that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

440. To guide compliance with this recommendation, the Commission reiterates its invitation to the State to continue providing information on the measures adopted to guarantee and strengthen access to justice for persons with disabilities in Brazil. In this regard, the Commission encourages the State to specify the measures effectively implemented under the aforementioned resolutions and to report on the progress achieved in creating the committee.

³¹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³¹¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³¹² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

K. Persons deprived of liberty

Recommendation No. 57. Adopt judicial, legislative, and administrative measures to reduce overcrowding and use pretrial detention in accordance with the principles of exceptionality, legality, proportionality, and necessity. Above all, promote the application of alternatives to incarceration, by embracing a gender perspective and differentiated approaches. In particular, the State must do whatever it takes to ensure that the Federal Supreme Court's decision on house arrest with a gender perspective is actually implemented in all states.

441. In the 2023 follow-up report, the State reported several initiatives to improve the prison system, including the Fazendo Justiça (Administering justice) program, aimed at streamlining the process of entry to and exit from the prison system and holding custody hearings within 24 hours. Also, a methodology was developed to manage prison occupation and promote alternative measures to incarceration based on restorative justice. Despite these efforts, the Commission found that the prison population remained on the rise, with an insufficient number of vacancies and high imprisonment rates for Afro-descendants, and it expressed its concern over outdated and disaggregated data on vulnerable groups. Consequently, the Commission considered that compliance with this recommendation was partial and urged the State to take alternative measures to prison, improve overcrowding management and collect more accurate data on -prison population.³¹³

Information on compliance

442. In 2024, as part of the measures to reduce overcrowding in Brazilian prisons, the State informed that the General Directorate of Citizenship and Alternative Measures to Prison, under the MJSP, invested over 36 million Brazilian reais in several states to implement policies related to alternative measures to incarceration, assist people leaving the prison system and electronically monitor them, and provide the service of Assistance to Persons under Custody (APEC). Furthermore, the State emphasized that the above-mentioned office published a public call for proposals to secure financial support, through the National Penitentiary Fund, to hire or expand multidisciplinary teams working on the Electronic Monitoring of People Policy in the states of Amazonas, Bahia, Ceará, Paraíba, Roraima, Santa Catarina and Sergipe in 2024.³¹⁴

443. The National Coordination of Penal Alternatives works on reducing mass incarceration through the APEC (Penal Alternatives and Social Reintegration Support) and the Integrated Penal Alternatives Centers (CIAP). APEC operates during the entry phase into the penitentiary system, with a multidisciplinary team that assists individuals before and after the custody hearing, ensuring emergency care, guidance, and referral for those presenting vulnerabilities. Additionally, it provides reports to support the judiciary's decisions regarding pretrial detention or provisional release. In this context, custody hearings, implemented in 2015, aim to guarantee fundamental rights and judicial oversight of the legality of detention, ensuring that the detained individual is presented before a judge within 24 hours. APEC strengthens this protection by offering assistance throughout the process, contributing to the reduction of mass incarceration and promoting the application of alternative precautionary measures. Furthermore, in response to overcrowding in Brazilian prisons (642,491 prisoners in the second half of 2023), CIAP monitors the implementation of alternatives to imprisonment, promoting accountability and addressing the social vulnerabilities of those under such measures. Following the ADPF 347 of the Supreme Federal Court (STF), which recognized the structural crisis in the penitentiary system, these initiatives seek to consolidate the custody hearing as an essential mechanism to assess the real need for incarceration, ensuring proportional decisions while considering the social circumstances of the detained individual.³¹⁵

444. In addition, the State pointed out that it took measures to avoid discrimination and ensure equal treatment, adopting a gender-sensitive approach to alternative measures to prison. The State explained

³¹³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 391–403.

³¹⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³¹⁵ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

that the Code of Criminal Procedure provides for house arrest in specific cases, such as those involving people older than 80 years of age, people with a serious illness, pregnant women, or people responsible for taking care of children under 6 years of age or people with disabilities. The State added that the pretrial detention of pregnant women or mothers of children or people with disabilities may turn into a house arrest, provided they have not committed violent crimes or crimes against their children. These provisions are backed by a collective *habeas corpus* granted by the STF of 2018, which allows for exceptions in “extraordinary” cases.³¹⁶

445. The State also reported that, in 2024, the Fazenda Justiça program, a collaboration between the CNJ and the UNDP, moved forward in several areas to transform the criminal justice system and the socioeducational system. As for proportionality in the criminal justice system, the State launched the Vacancy Control Center in Maranhão and took significant steps forward in other states. Custody services were put in place in 24 states and an international conference on electronic monitoring was held with 1,400 attendees. In terms of citizenship, the State reported that community councils were strengthened and that 30 new social offices were opened, providing assistance to over 27,000 people that have left the prison system and to their families. Also, 17,000 persons deprived of liberty were identified, and over 10,000 IDs were issued.³¹⁷

446. As for the socioeducational system, the State explained that inspection methodologies were implemented, manuals were prepared and vacancy centers were set up in seven states, with 400 inspections every two months and 450 registered units in the national system. The program undertook cross-cutting actions, such as a joint effort in the criminal justice field, resulting in 21,000 releases, and a mental health seminar with 1,900 registrations and 12,300 views. Furthermore, the State reported that 10 states now provide institutional support to victims in the judiciary.³¹⁸

447. Finally, the State indicated that the penitentiary system uses the Information System of the National Penitentiary Department (SISDEPEN) to collect detailed and updated data on prison population, thus observing Law No. 12,714 of 2012. This tool gathers information every six months on penitentiary facilities and the situation of prisoners, and classifies data using an intersectional approach, considering factors such as race, nationality and marital status. In 2023, specific variables were mapped, for example, of women who were pregnant or had children in prison, and of LGBTQIA+ persons deprived of liberty. In addition, penitentiary units keep records of women with children, pregnant women, elder women, women with chronic diseases and persons with disabilities. This information is vital to design more effective public policies tailored to the needs of vulnerable groups.³¹⁹

448. In turn, the DPE/SP emphasized that no measures were reportedly adopted to reduce overcrowding in Brazilian prisons. In this regard, it stated that the prison population in Brazil has allegedly reached 850,000 people, which translates into a deficit of over 155,000 vacancies in the penitentiary system. According to said office, in São Paulo, the number of incarcerated people soared between 2023 and 2024, and the prison population rose by 5,170 as of October 2024, which represents an increase nearly three times higher than the previous year. Furthermore, the DPE/SP reported that the new Law No. 14,843 of 2024 requires mandatory criminological examinations for the application of a progressive prison regime, which results in more delays and an overburden of the technical staff, thus restricting their ability to offer psychosocial support and hindering the reintegration of persons deprived of liberty. Furthermore, São Paulo has yet to implement a vacancy regulation center to manage occupation in the penitentiary system.³²⁰

449. The DPE/SP added that, while the law sets out that pretrial detention should be an exceptional measure, it is a widespread practice in the Brazilian penitentiary system. About 30 percent of incarcerated persons are subject to pretrial detention, that is, without a final sentence. In addition, it stated that the judiciary

³¹⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³¹⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³¹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³¹⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³²⁰ Public Defender's Office of the state of São Paulo (DPE/SP), Response to the request for information questionnaire, October 4, 2024.

tends to justify the use of pretrial detention using generic arguments, such as the seriousness of the crime and the risk to public order, without considering the actual case at hand.³²¹

450. According to the DPE/SP, 55 percent of incarcerated persons are allegedly detained for crimes that do not involve violence or constitute a serious threat, which suggests a limited use of alternative measures to prison. While other options are provided by law, such as restrictive punishment, house arrest or early release, they are not effectively applied due to resistance from the judiciary and the absence of regulations. The wider use of electronic ankle bracelets, as provided for by Law No. 14,843/2024, has allegedly increased control over individuals serving time outside of prison facilities, hindering their reintegration into society and the labor market, and turning such device into an extension of prison, rather than an alternative to it.³²²

451. Finally, the Public Defender's Office of the state of São Paulo indicated that, despite the order issued by the STF in 2018 and the provisions of Law No. 13,769 of 2018—which provides for house arrest for pregnant women or women with children under 12 years old in the case of nonviolent crimes—the women's prison population continues to grow. In São Paulo, the 2022/2023 annual report on the Policy for Assistance to Mothers in Prison shows that 70.3 percent of assisted women have children under 12 years of age. The absence of national regulations on the flow of information about maternity among inmates makes it difficult to apply these measures. In this regard, the Public Defender's Office of the state of São Paulo considers it essential to issue a resolution that formalizes communication between prisons, offices of public defenders and the judiciary.³²³

452. Furthermore, civil society organizations explained to the Commission that the Brazilian State has yet to take effective measures that reduce overcrowding in penitentiaries and improve conditions in the units to guarantee basic rights. Pretrial detention is still applied indiscriminately and, while the percentage of pretrial detainees slightly decreased from 25.3 percent in 2022 to 24.5 percent in 2023, it is still alarmingly high, amounting to 208,882 people. In addition, according to these organizations, the framework for early childhood protection remains allegedly ignored, with pregnant women and mothers subject to pretrial detention. Currently, there are 26,876 women deprived of liberty, out of which 16,359 are Afro-descendants and 82 are indigenous. Among them, 230 are pregnant or in labor and 103 are breastfeeding, with 99 children living with their mothers in prison. Civil society organizations stated, however, that the CNJ allegedly recognizes that, since 2015, the number of prisons that have failed to report data on pregnant and breastfeeding mothers has increased, which shows that no assistance is provided to this group and which restricts the effective monitoring of the application of the framework for early childhood protection.³²⁴

Analysis and level of compliance with the recommendation

453. The Commission appreciates the information provided by the State and notes that the actions reported indicate that the issues related to the justice system and measures alternative to deprivation of liberty are being addressed. These measures, overall, may represent a step forward in the reduction of overcrowding in Brazilian penitentiaries. In particular, the IACHR highlights measures to reduce overcrowding in prisons, through the allocation of over R\$ 36 million to policies for alternative penalties, electronic monitoring, and care for detainees through the APEC program. It also emphasizes the push for the hiring of multidisciplinary teams to strengthen electronic monitoring in various states and has promoted the application of alternative sanctions through the CIAP. Furthermore, it values the State's implementation of house arrest measures for individuals in vulnerable situations, such as pregnant women and seriously ill persons. In the same vein, it commends the collaboration between the CNJ and the UNDP to advance the Fazendo Justiça Program, strengthening the social reintegration of former inmates and improving access to documentation and legal assistance. Additionally, the

³²¹ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³²² DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³²³ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³²⁴ CEJIL, Response to the request for information questionnaire, November 4, 2024.

use of SISDEPEN enables more detailed data collection to design effective public policies tailored to the needs of the penitentiary population.

454. However, the Commission places on record that the information reported by the DPE/SP and civil society organizations suggests that, based on hard data on this topic, overcrowding is still on the rise. In this regard, the Inter-American Commission believes the State needs to reinforce these measures and step up its efforts so that they translate into a decrease in overcrowding in practice. In the meantime, the Commission considers that the level of compliance with this recommendation continues to be **partial**.

Measures and information to advance compliance with the recommendation

455. To guide the implementation of this recommendation, the Commission prompts the State to reinforce the application of measures other than prison, comprehensively incorporating a gender perspective and differentiated approaches, as well as to take effective measures to reduce prison overcrowding, including a revision of incarceration policies and the promotion of restorative justice. The Commission would like to recall that putting mechanisms in place to gather accurate, updated and disaggregated data on prison population is of the essence, with a particular focus on intersectionality, ensuring reliability and consistency across the country. In addition, the Commission observes the need to revise and reform policies and practices that result in discrimination based on race, as well as other forms of discrimination, in the criminal justice system. Finally, the Commission reminds the State of the importance of ensuring the effective enforcement of the STF ruling on house arrest with a gender perspective across Brazilian states.

Recommendation No. 58. Devise a drug policy with a social reintegration and public health approach, in such a way as to eschew repressive and criminalizing treatment of persons arrested for using or carrying drugs, or who have committed minor offenses due to their problematic use of, or addiction to, drugs.

456. In the 2023 follow-up report, the State failed to provide specific information on compliance with this recommendation concerning its drug policy. However, according to reports by the State Mechanism to Prevent and Combat Torture in Rio de Janeiro (MECPT/RJ), in that region, over 30 percent of cases involving women detained at custody hearings were related to the Law on Drugs, while 40 percent of pretrial detentions derived from this policy. Despite the creation of the National Plan on Drug Policies (PLANAD), which constitutes a positive step towards a more comprehensive drug policy, the lack of specific information led the Commission to determine that this recommendation had been partially complied with. Furthermore, the Commission urged the State to fully implement the PLANAD, with a focus on the social reinsertion of drug users, and to provide up-to-date, transparent information on all measures taken and their impact.³²⁵

Information on compliance

457. In 2024, the State informed that the PLANAD sought to implement comprehensive policies for drug prevention and treatment, covering both legal and illegal drugs, within a five-year framework of action. Its main purpose is to effectively enforce the National Drug Policy (PNAD) by designing an interdisciplinary plan to address demand, supply and policy management. Since its inception in 2020, the PLANAD has taken some steps forward, which include making a national diagnosis and holding public consultations to adjust its proposal. The plan centers around prevention, treatment, social reinsertion and supply reduction, supported by research and assessment, as well as governance integration. The plan was approved in 2021 and submitted to public consultation to ensure social participation in its development. The contributions, suggestions and criticism made to the first draft of the PLANAD, as well as its diagnosis, were analyzed by the Executive Secretariat of the National Council on Drug Policy (CONAD), giving rise to a second version.³²⁶

458. The State added that the 2022-2027 PLANAD was approved in September 2022 by the CONAD and that it sets 10 strategic goals with specific objectives, initiatives and commitments. These objectives include

³²⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 405–408.

³²⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

prevention in the use of alcohol, tobacco and other drugs; integration of care and reinsertion policies; the strengthening of law enforcement institutions and the promotion of innovation projects; and better regulations, statistics and governance in connection with drugs. In 2024, the PLANAD is under review, with a new methodology for its updating that has already been approved by the Drug Policy Commission of the CONAD.³²⁷

459. Finally, the State emphasized that Chapter 3 and the Methodology Guide of the PLANAD provide for enforcement, monitoring and assessment mechanisms designed to measure the scope of objectives, compliance with instructions and implementation of initiatives, as well as to analyze government action in terms of economy, efficiency, efficacy and effectiveness. However, as the plan is still under review, no specific results have been identified so far.³²⁸

460. In addition to the PLANAD, the Federal Government has adopted a multifaceted approach to address issues related to alcohol and other drugs. Through strategic partnerships, professional training, prevention policies, harm reduction, and participation in international forums, the goal is to mitigate the effects of substance use and promote a culture of prevention and social responsibility. The National Secretariat for Drug Policies (SENAD) has implemented three priority strategies: ensuring access to rights for women, mitigating the impacts of drug trafficking in Indigenous territories, and securing rights for the Black and peripheral populations. In 2024, the CRIA Program was launched, focusing on preventing problematic drug use in children and adolescents, as well as the GENTE project, which promotes territorial prevention actions. Additionally, programs such as ATITUDE in Pernambuco and *Corra pro Abraço in Bahia* have been implemented to promote the social reintegration of individuals with substance use issues. With an investment of R\$ 22 million in 2024, the PRONASCI Youth Project works on preventing violence linked to the illegal drug market, focusing on young people in Rio de Janeiro and Salvador.³²⁹

461. At the international level, the State has formed an alliance with the UN to develop protection strategies for children and adolescents against violence, drugs, and crime. In the environmental policy sphere, the Center for Studies on Drugs and Community Social Development (Cdesc) was launched to research drug trafficking and its impacts on the Amazon region. Furthermore, the Brazilian Observatory for Drug Information (OBID) was restructured in 2024 to collect essential data on drug use and improve monitoring of public policies. In 2025, efforts are planned to expand with new prevention projects, expanded access to rights centers, and social inclusion actions for vulnerable populations.³³⁰

Analysis and level of compliance with the recommendation

462. The Commission appreciates the progress made in implementing the PLANAD, which is a step forward in the redirection of the drug abuse strategy towards a public health approach. However, the information available suggests that the PLANAD is still under review. Also, launching a plan on the subject does not in itself ensure that the goals under the PLANAD and the recommendation addressed herein are met. Therefore, the State needs to supplement the plan with other measures that ensure its effectiveness and durability. The Commission also commends the priority strategies implemented by SENAD regarding the impact of drugs on women, Indigenous peoples, and Black and peripheral populations. Additionally, the CRIA Program and the GENTE Project, which focus on preventing problematic drug use, are also deemed very important.

463. All the reported measures are relevant for fulfilling the recommendation; however, since the review of PLANAD has not yet been completed and the indicated strategies and policies are in the initial stages of implementation, the IACHR maintains the recommendation with **partial** compliance.

³²⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³²⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³²⁹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³³⁰ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

Measures and information to advance compliance with the recommendation

464. To guide compliance with this recommendation, the Commission urges the State to guarantee the full implementation of the PLANAD, with a special focus on the social reinsertion of users of alcohol and other drugs. In addition, the Commission highlights the importance of providing transparent, up-to-date information on the actions and measures taken under such public policy, as well as on their impact on the affected population.

Recommendation No. 59. Guarantee dignified treatment of persons in State custody, in accordance with deprivation of liberty standards and bearing in mind the special risks associated with gender or other characteristics of the detained population. In particular, the State must incorporate a gender perspective to ensure prison treatment meets women's specific health, gender identity, and social reinsertion needs.

465. In the 2023 follow-up report, the State reported that the CNJ regulates penitentiary inspections through the Fazendo Justiça program, in accordance with Resolution No. 414 of 2021, which sets guidelines for the investigation of torture following the Istanbul Protocol. The State added that inspection results are consolidated in the National Registry of Prison Facility Inspections (CNIEP). Furthermore, the State informed about a policy designed to reinforce citizen participation in the criminal system and protect the rights of inmates, although it did not provide updated data on the implementation of these policies. The Commission acknowledged the progress achieved in terms of supervision and prevention of torture, but it also pointed to the lack of detailed information on the enforcement and effectiveness of such policies. In addition, the Commission considered that this recommendation continues to be partially complied with and required the State to strengthen CNIEP capacities, provide specific data on detention policies and consolidate the Mandela Project to address unconstitutional conditions in penitentiary facilities.³³¹

Information on compliance

466. In 2024, the State reported that it has implemented actions to ensure dignified treatment for people in custody, including the adoption of the RNR methodology (risk, need, and responsiveness) for classification and individualization of sentences. This approach, recommended by the United Nations Office on Drugs and Crime (UNODC) and used in various countries, is being applied in four states (Rondônia, Rio Grande do Norte, Paraíba, Pernambuco, and Amapá) and will be expanded to eight more states by 2026. The Classification Technical Committee plays a key role in this process, developing personalized reintegration programs and evaluating the adaptation of individuals deprived of liberty to the limitations of the prison system.³³²

467. The State also reported that it undertook several actions to guarantee a dignified treatment towards persons in custody, in accordance with international standards. Those actions included the creation of the MNPCT in 2013, under which regular visits to detention centers are conducted to prevent torture and ill-treatment. Together with the National Committee to Prevent and Combat Torture (CNPCT), these agencies make up a national system in charge of monitoring and improving conditions in places of deprivation of liberty.³³³

468. The State added that reforms were introduced into the penitentiary system, such as the construction of new prison facilities, a wider use of alternative measures like electronic ankle bracelets and the holding of custody hearings, which allow detainees to appear before court within 24 hours. Other initiatives include the National Pact against Human Rights Violations in the Prison System and the National Plan of Criminal Justice and Penitentiary Policy, which seek to humanize the treatment afforded to persons deprived

³³¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 410–416.

³³² State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³³³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

of liberty. Furthermore, a public call by the MJSP has been recently released to improve APEC across several states, which will be funded with resources from the National Penitentiary Fund.³³⁴

469. Moreover, the State emphasized that it took several measures to incorporate a gender perspective into the penitentiary system by addressing the specific needs of women in terms of health, gender identity and social reintegration, in line with the Bangkok Rules. The 2014 National Policy of Attention to Women Deprived of Liberty and Released from the Prison System (PNAMPE) guarantees access to healthcare, education programs, professional training and social reintegration. For pregnant women, Law No. 13,769 of 2018 allows pregnant and breastfeeding women, as well as mothers of children under 12 years of age, to be under house arrest, thus preserving the family bond and preventing newborns from growing up in jail. Also, mother-child units have been created in some penitentiaries, providing adequate healthcare conditions for both the mother and the child. Resolution No. 3 of 2019 by the CNJ ensures that trans women are placed in prison considering their gender identity, and training programs have been put in place to contribute to women's reintegration into the labor market, in which the specific context of women's criminal activities is addressed.³³⁵

470. The State added that a digital collection titled *Vulnerabilidade em Pauta* was published, with guides on custody procedures involving vulnerable groups deprived of liberty, such as women, indigenous persons, foreign people, persons with disabilities and the LGBTQIA+ population. The guide includes recommendations for the custody of trans women and trans men, and covers issues like health, gender identity and social reintegration into the prison system. In addition, a project on menstrual health was implemented in prisons across Brazil after the enactment of Law No. 14,214 of 2021, ensuring access to menstrual hygiene products. This program includes the setting up of factories to manufacture pads and diapers within the framework of the project Menstrual Dignity for Persons in a Situation of Vulnerability (PROCAP). The products are subsequently distributed among individuals deprived of liberty, their families and penitentiary personnel. All states have received equipment to produce these items, prioritizing installation in women's prisons to foster employment among incarcerated women.³³⁶

471. The State also informed that, in connection with maternity experiences in penitentiaries, Law No. 13,257 of 2016 —the Early Childhood Legal Framework— provides that policies and services to protect the comprehensive development of children up to 6 years of age should be guaranteed. In situations where pretrial detention is not replaced with house arrest, prison management must facilitate coexistence between mothers and their children in a specific space, isolated from other inmates, preferably near social or psychosocial services. The State added that it pays special attention to the strengthening of the mother-child bond, the duration of the child's stay in the unit and the preparation for transition to foster care. In addition, the State advises prison management to guarantee incarcerated women's right to breastfeed their child for at least six months and to keep social or psychosocial assistance available in cooperation with the Court of Childhood and Youth, the Guardianship Council, the Court of Criminal Enforcement and the relevant state's Public Defender's Office. The State pointed out that, during this six-month period, breastfeeding should not be interrupted. According to the State, this information is included in the procedure booklet on the custody of trans women and trans men in the prison system, and its observance is monitored by the National Secretariat of Criminal Policy.³³⁷

472. The State reported that the Mandela Project, which was announced in 2023 by the MDHC, was interrupted after an internal assessment revealed overlapping objectives with the National Plan to Combat the Unconstitutional State of Affairs in Brazilian Prisons, known as Pena Justa (Fair Punishment). In this regard, the State determined that the guidelines and goals included in the Mandela Project would be better addressed under the Pena Justa plan, whose purpose is to examine and improve the criminal justice system as well as the

³³⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³³⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³³⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³³⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

conditions under which sentences are enforced in Brazil. Thus, the State decided to focus all efforts and resources on the development and implementation of the latter plan.³³⁸

473. The State also reported that the National Health Coordination (COS) is responsible for the Citizenship Action, a project implemented since 2017 in penitentiary units to strengthen the health policy in the prison system. Its main objective is intersectoral coordination between federal, state, and municipal agencies, ensuring medical care for people deprived of liberty, with an emphasis on preventing prevalent diseases in the system, such as tuberculosis, viral hepatitis, and sexually transmitted infections. It also seeks to improve internal health flows in prisons and strengthen coordination between responsible entities, in line with the National Policy for Comprehensive Health Care for People Deprived of Liberty (PNAISP). To date, more than 15,000 medical consultations have been conducted in eight Brazilian states.³³⁹

474. The COS is part of the Healthy Brazil Program and is responsible for executing the Technical Cooperation Agreement with the Ministry of Health (MS) for the prevention and control of diseases such as HIV/AIDS, tuberculosis, and syphilis in prisons. Technical meetings are being held with states and municipalities to define strategies and ensure the adoption of prevention and control measures in the penitentiary system. Additionally, the COS is part of the National Interinstitutional Committee for the Implementation and Monitoring of the Judiciary's Anti-Institutionalization Policy, initially focusing on the deinstitutionalization of people in custodial hospitals. Its work includes evaluating the reintegration process of people with mental disorders in the judicial system and supporting the implementation of the policy in the states. The COS has developed technical notes on medical care in prisons, such as Technical Note No. 4/2024, which provides guidelines for the treatment of common dermatological conditions in the penitentiary population, aiming to improve the quality of care and prevent recurrent outbreaks.³⁴⁰

475. Furthermore, the COS promotes and oversees the transfer of resources to state penitentiary administrations through agreements and direct funds to improve healthcare for people deprived of liberty, including women in prison. Existing agreements amount to nearly R\$ 12 million, of which nearly R\$ 6 million have already been executed, benefiting approximately 157 penitentiary units with equipment, medical supplies, and the hiring of multidisciplinary teams.³⁴¹

476. Finally, the State reported that the National Penitentiary Policies Secretariat (SENAPPEN), through the General Coordination (CGCAP) of the Penitentiary Policies Department (DIRPP), manages various policies for the population deprived of liberty in areas such as work, health, education, legal and religious assistance, and support for women and minorities. The National Coordination of Work (CONAT) promotes employment and income generation policies through the financing of the National Penitentiary Fund (FUNPEN). It has invested in productive workshops such as the manufacturing of concrete blocks and hygiene products. It also organized the VI National Seminar on Work in the Penitentiary System and developed the Resgata Seal, which encourages the hiring of people deprived of liberty and those released. Furthermore, it collaborates with the United Nations Development Program (PNUD) on labor inclusion strategies and professional training. Additionally, the National Coordination of Education, Culture, and Sports (COECE) promotes education in prison with state plans for 2025-2028, promoting literacy, education for youth and adults, vocational training, and access to libraries and cultural activities. It also finances sports materials and has donated technological equipment to strengthen teaching in penitentiary units.³⁴²

477. In turn, the DPE/SP pointed out that no measures were reportedly taken to ensure dignified treatment to persons under state custody, in accordance with international standards governing deprivation of liberty. Prisons are still overcrowded and in bad structural shape, with poor quality and insufficient food, water rationing, lack of basic supplies and inadequate healthcare. According to the DPE/SP, in a study, the CNJ classified deaths in prison that had derived from conditions of torture as "natural." The DPE/SP also stated that,

³³⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³³⁹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁴⁰ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁴¹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁴² State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

in October 2023, the STF acknowledged the existence of massive violations of rights in the prison system and ordered the authorities to produce a plan to improve conditions within six months.³⁴³

478. Additionally, the DPE/SP emphasized that there were no specific guidelines governing the conditions of incarceration of women. Inspections conducted by the DPE/SP itself in state prisons revealed that women faced similar conditions to men's, with poor-quality food, lack of basic items and inadequate medical care. Plus, it reported that basic products such as shampoo and conditioner were not supplied, and that sanitary pads were insufficient, which resulted in an urgent appeal to the Commission.³⁴⁴

Analysis and level of compliance with the recommendation

479. The Commission finds that the State implemented important measures whose primary objective was to ensure a dignified treatment towards persons deprived of liberty, including those that belong to a vulnerable group, such as women, trans persons, among others. However, the Commission highlights that some of these measures were already being implemented when the Country Report was published, where the problems that triggered this recommendation were recognized. Furthermore, the Commission notes with concern the information provided by the DPE/SP, an agency that inspects prisons in São Paulo, the state with the highest concentration of prisons in Brazil and, consequently, with the largest prison population. Based on the foregoing, the Commission determines that compliance with this recommendation continues to be **partial**.

Measures and information to advance compliance with the recommendation

480. To guide compliance with this recommendation, the Commission urges the State to continue reinforcing measures to ensure a dignified treatment towards people under its custody, with a special focus on people in vulnerable situations. This involves guaranteeing dignified access to food, water, sanitary products, medical care and safe spaces to receive visitors, among others. In addition, it is extremely urgent for the adopted measures to address overcrowding in prisons across the country, as this situation in itself constitutes a violation of international standards on human rights. The Commission invites the State to submit data related to these improvements, especially to the reduction of the prison population.

Recommendation No. 60. Facilitate channels through which persons deprived of liberty—including adolescents— can file complaints and reports on how they are treated in the centers without suffering reprisals for doing so. The complaints must be taken seriously and addressed quickly and effectively, making it possible to punish the parties responsible.

481. In the 2023 follow-up report, the State informed that persons deprived of liberty had the right to request hearings with the prison warden to submit petitions or claims, and that courts were under a duty to inspect prisons on a monthly basis. The State added that the CNJ managed a public panel on inspections, consolidating all the information in a single database. The Commission acknowledged the efforts made by the State to ensure the submission of complaints, as well as the role of the CNJ in the consolidation of inspections. However, it emphasized the absence of concrete data on the implementation of and effective compliance with this recommendation. Therefore, the Commission considered that this recommendation was partially complied with and urged the State to improve access to these mechanisms and protection from retaliation for those who filed complaints, ensuring transparent and timely answers.³⁴⁵

Information on compliance

482. The State reported that it responded to complaints of torture and ill-treatment against persons deprived of liberty, including adolescents, under Resolution CNJ No. 414 of 2021, which provides

³⁴³ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³⁴⁴ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³⁴⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 418–422.

guidelines on how to perform forensic examinations in cases that involve indicia of torture and other inhuman treatment, following the Istanbul Protocol. During hearings and other judicial proceedings in the criminal and juvenile jurisdictions, judges have a duty to investigate the conditions of detention and address possible signs of abuse. In addition, a channel to process complaints has been implemented through proceeding SEI 02345 of 2024 and compliance with the resolution is monitored. To protect complainants from retaliation, Protocol II of Resolution CNJ No. 213 of 2015 provides for security measures such as the transfer of custody and provisional release if the complainant's integrity is at risk. At socioeducational centers of custody, Resolution CNJ No. 77 of 2009 governs inspections in units for adolescents in conflict with the law and enables the recording of any indicia of abuse and violence by means of electronic forms.³⁴⁶

483. The State also indicated that the National Penitentiary Policies Secretariat (SENAPPEN) is developing strategies to address torture in the Brazilian penitentiary system. Recently, through the public call UNDP-BRA-00317, a diagnosis was conducted on the prevention of torture and degrading treatment in prisons, with the assistance of a specialized consultancy. The study resulted in the proposal of a pilot project in a specific penitentiary unit, aiming to implement concrete actions for the prevention and combating of torture. This project will serve as a model to assess the effectiveness of a collaborative strategy between penitentiary system institutions and civil society. The actions include the establishment of an interinstitutional network, training of staff in human rights, the creation of reporting protocols, and monitoring prison conditions, promoting a comprehensive approach for the protection of human rights in prisons.³⁴⁷

484. The State also highlighted that the National Council of the Public Ministry (CNMP) operates through the Prison System Commission, External Control of Police Activity and Public Security (CSP), a permanent commission that monitors the inspections carried out by the Public Ministry agents to identify human rights violations within penitentiary centers.³⁴⁸

485. According to the DPE/SP, there is no such specific channel to process claims and complaints made by persons deprived of liberty. While they are allowed to send letters, they often lack basic supplies and information on the recipient agencies. In addition, letters can be read and censored by state agents who are often the authorities against whom the complaints are filed. The DPE/SP explained that it is necessary to establish a safe, confidential channel for complaints and to protect their content from prison agents to avoid retaliation.³⁴⁹

Analysis and level of compliance with the recommendation

486. The Commission values the information about the creation of a pilot project, resulting from a public call in collaboration with UNDP, aimed at preventing and combating torture through the establishment of collaborative strategies with civil society. This type of initiative has great potential to address structural issues related to torture and human rights violations in places of detention in the country. On the other hand, the Commission notes that the State reported information regarding ordinary mechanisms that are applied in the generality of cases, without making a distinction for those incidents where torture is alleged, which, in most cases, would point to a state authority as the probable perpetrator. In this sense, conducting judicial inspections and/or receiving complaints about events that may constitute torture would not guarantee a safe space for victims to file complaints without fear of reprisals.

487. Without overlooking the potential progress on the issue through new strategies for addressing it, the IACHR considers that this recommendation remains **pending compliance**.

³⁴⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁴⁷ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁴⁸ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁴⁹ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

Measures and information to advance compliance with the recommendation

488. To guide compliance with this recommendation, the Commission urges the State to go further than merely pointing to the mechanisms available to file claims and complaints and to take measures that ease access to them by persons deprived of liberty, ensuring that these persons are protected from retaliation. In this regard, the Commission emphasizes the importance of having concrete data on these complaints and their processing. Furthermore, the Commission highlights the importance of giving a clear and timely response to the complaints filed, sanctioning those responsible and taking preventive measures to avoid future violations. Finally, the Inter-American Commission considers that the State needs to take into account the specific conditions of vulnerability faced by persons deprived of liberty and, based on that, design mechanisms that guarantee the reception of complaints in safe spaces, so that such complaints do not have a negative impact on the persons who file them. Finally, it invites the State to provide information on the results of the implementation of the pilot project for the prevention and combat of torture.

Recommendation No. 61. Immediately initiate, *ex officio*, effective investigations in accordance with the rules, so as to be able to identify, prosecute and punish those responsible.

489. In the 2023 follow-up report, the State highlighted the powers and duties of the DMF/CNJ, stating that these agencies had received complaints of irregularities in prison and socioeducational units, including complaints filed by victims and civil society organizations. The Commission, based on the Decarceration Platform, verified that 3,180 complaints had been filed in 236 prisons and 38 socioeducational units. In addition, the Commission recognized the efforts made by the State, considered that compliance with the recommendation was still pending in the absence of specific data, and urged the State to conduct further investigations and create a transparent system to follow up on complaints, with a special focus on vulnerable groups.³⁵⁰

Information on compliance

490. In 2024, the State reported that it implemented a structured process to start *ex officio* investigations into acts of violence at detention centers. The State added that the DMF/CNJ receives complaints of torture and other forms of abuse in prison and socioeducational units, which can be submitted by persons deprived of liberty, their families, public defender's offices, the civil society and other actors.³⁵¹

491. Based on the information provided, the process includes the reception, classification, analysis and distribution of complaints, the drafting of a specific record and a detailed follow-up by the advisory board of the CNJ. The State added that potential actions are decided on, and cases are assigned to auxiliary courts that issue the relevant decisions and recommendations. If local authorities fail to act properly, notices are sent to the judiciary and recommendations are shared with other institutions, while copies are forwarded to courts' internal auditing offices (*corregedorias*) for follow-up.³⁵²

492. Moreover, the DPE/SP informed that no specific actions were taken to start *ex officio* investigations into acts of violence at detention centers. Complaints normally reach the Public Defender's Office through families, persons released from prison and inspections. According to the DPE/SP, the Secretariat of Prison Administration does not show commitment to investigating these acts of violence. A significant factor is the regular operation and use of the Rapid Intervention Group (GIR), which, despite having been created to intervene during riots, has become a constant presence in penitentiaries and is frequently accused of committing acts of violence and torture. In 2018, the Public Prosecutor's Office filed a public civil action to regulate the GIR and, in 2022, a court ordered basic control measures, including the identification of agents,

³⁵⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 424–429.

³⁵¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁵² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

body cameras and human rights training. However, according to the DPE/SP, the state of São Paulo failed to implement these measures and filed an appeal against said court ruling.³⁵³

493. The DPE/SP added that, in 2023, the United Nations Committee against Torture conducted an examination to assess Brazil's level of compliance with the Convention against Torture. The DPE/SP submitted an alternative report (called "shadow report"), in which recurring episodes of torture in the state of São Paulo were revealed. In its recommendations, the DPE/SP reportedly expressed its concern over the frequent acts of torture perpetrated by Brazilian security forces, specifically referring to "rapid intervention groups" (such as the GIR), and suggested measures to prevent these cases of abuse.³⁵⁴

494. Finally, the UN Committee recommended that the following measures be adopted, especially by the state of São Paulo: i) record in full all GIR interventions with body cameras, which should be accessible to the Secretariat of Prison Administration, the Public Defender's Office, the Public Prosecutor's Office and the relevant court; ii) have GIR agents wear visible IDs and use transparent masks; iii) forbid the use of pepper gas and elastomer bullets; iv) forbid the use of gas indoors; v) use dogs for drug detection only; vi) specifically select GIR agents and train them in human rights; vii) prevent GIR agents from patting down detainees' relatives or carrying weapons in an intimidating way during visits; viii) have the GIR notify its interventions at least 24 hours in advance or, in case of emergency, within the following 24 hours with a detailed report of all actions performed.³⁵⁵

Analysis and level of compliance with the recommendation

495. The Commission observes that the Public Defender's Office and the United Nations Committee against Torture have identified that no *ex officio* investigations into acts of violence at detention centers were carried out and that complaints about these acts were reportedly filed by families, and not by the authorities responsible for the protection of the integrity of the detainees. Thus, the Commission is concerned over the distrust the Public Defender's Office and other organizations have voiced with regard to the agency in charge of investigating said acts, and considers that this might represent a setback caused by the lack of coordination among all parties involved. Likewise, this recommendation should be construed in light of the previous recommendation, since investigations will not start—including those *ex officio*—as far as safe spaces are not guaranteed for persons to file complaints without fear of retaliation. Based on the foregoing, compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

496. To guide compliance with this recommendation, the Commission invites the State to continue strengthening the human and technical resources allocated to the investigation of allegations of torture and ill-treatment at detention centers, ensuring that they are treated with the urgency and seriousness required. The Commission also calls on the State to implement a transparent system that can be accessed by the public to follow up on these complaints, so that it is possible to learn about the progress made, as well as about the results achieved in each case. The Commission reiterates the importance of establishing specific and effective protocols to respond to the complaints filed by groups in a special situation of vulnerability in prison and socioeducational units. Finally, the Commission emphasizes the importance of ensuring that investigations are not limited to merely punishing those directly responsible; investigations should also aim to identify and address the structural, systemic causes of such violations.

Recommendation No. 62. Take the necessary steps to increase financial and human resources for the mechanisms in place for preventing and combating torture, to boost their effectiveness. Likewise, promote the establishment, installation, and workings of these kinds of mechanisms in the federative states that still

³⁵³ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³⁵⁴ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

³⁵⁵ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

lack them, in accordance with the standards contemplated in the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

497. In the 2023 follow-up report, the State reiterated the existence of agencies that made up the SNPCT and listed the state mechanisms and committees that served the same purpose, emphasizing their importance in the fight against human right violations in prisons. However, the State failed to provide any updated information on the actions undertaken by these agencies. Faced with this lack of specific data, the Commission determined that compliance with this recommendation was still pending and underscored the need to strengthen the autonomy, structure and resources of the SNPCT, as well as to put mechanisms against torture in place across Brazilian states and to report on the progress made.³⁵⁶

Information on compliance

498. This year, the State reported that the MDHC was taking measures to follow up on and promote the structuring of the above-mentioned mechanisms across Brazilian states and the federal district. These measures included:

- i) Monitoring the creation and operation of committees and mechanisms across states: In May 2024, the National Observatory of Human Rights used its platform (ObservaDH) to publish an overview of the existing state systems, committees and mechanisms to prevent and combat torture. In addition, in June 2023, an extraordinary meeting between ministries, judicial entities, academic experts and the civil society was held to restore the National System to Prevent and Combat Torture. Four goals were set in that meeting: defining methodologies for inspections; reducing prison population; promoting collective, multidisciplinary action; and performing a census of the persons deprived of liberty.
- ii) Organizing human right caravans: Launched in August 2023 by the MDHC, this initiative seeks to identify and mitigate human right violations in prison and socioeducational units where precautionary measures and provisional measures have been granted by the Inter-American Commission and the Inter-American Court, respectively. Caravans visited units in Espírito Santo, Pernambuco and Ceará, and addressed issues such as overpopulation, violence and lack of hygiene. Some of the milestones achieved include the implementation of state mechanisms against torture in Ceará, progress in the monitoring of precautionary measures and the signing of agreements for humanized transportation and support to families of homicide victims.
- iii) Holding the Fourth National Meeting of Committees and Mechanisms to Prevent and Combat Torture: This event was attended by 70 representatives of state and national committees and mechanisms, as well as by civil society organizations. During the meeting, Recommendation No. 13 of the National Committee to Prevent and Combat Torture was issued, which establishes guidelines for the creation and strengthening of committees and mechanisms against torture across states.
- iv) Drafting of the Plan to Monitor Precautionary Measures and Provisional Measures Granted by the Inter-American Commission and the Inter-American Court, respectively: This plan's main objectives are to monitor and support states in their compliance with such measures, as well as to earmark state resources to solve problems and foster the implementation of state systems to prevent and combat torture. The creation of new prevention committees and mechanisms is expected, as well as a commitment by the judiciary to reducing prison population as part of the fight against torture and effective compliance with inter-American standards.

³⁵⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 431–433.

- v) Participating in the preparation of the Pena Justa plan: The MDHC is actively involved in the preparation of this plan to address the unconstitutional status of Brazilian prisons, in accordance with the STF's ruling.³⁵⁷

499. Lastly, the State reported that, currently, 17 states have passed legislation to create a MEPCT, but only five are fully operational in the following states: Acre, Rio de Janeiro, Rondônia, Paraíba and Sergipe. The states that have yet to implement these mechanisms are Roraima, São Paulo, Bahia, Goiás, Rio Grande do Norte, Santa Catarina, Rio Grande do Sul, Paraná, Minas Gerais and the federal district.³⁵⁸

500. Regarding the National Mechanism for the Prevention and Combat of Torture (MNPCT), the State reported that it is a key tool against torture in Brazil, coordinated by the MDHC. Its actions are based on key principles to ensure effectiveness in the prevention and combat of this human rights violation. Under the coordination of the MDHC, efforts have been made to strengthen the MNPCT, with investments in expanding its infrastructure, replenishing human resources, and providing technical and financial support for the implementation of local mechanisms for the prevention and combat of torture.³⁵⁹

501. Finally, the State indicated that, to strengthen the MNPCT, a specialized consultancy was hired to develop a diagnostic and prevention strategy in the penitentiary system. This study included mapping the network for combating torture in all states, covering governmental sectors and civil society. The project was divided into four key components: i) mapping and analysis of the network: identification of entities, their competences, and interaction flows; ii) evaluation of public policies: analysis of federal programs that could be adapted to the penitentiary system and improvements in interministerial coordination; iii) analysis of complaints and perceptions: evaluation of torture complaints, surveys of officials, and conditions for access to water and food; iv) legal evaluation and awareness: impact of Law 9.455/1997, torture diagnosis in prisons, and awareness strategies for governments and society.³⁶⁰

502. The DPE/SP reported that the MNPCT is made up of 11 experts only, which is far from enough to conduct inspections across Brazilian places of deprivation of liberty, such as prisons, adolescent detention centers, long-stay institutions and therapeutic communities. The DPE/SP stressed the need to strengthen and expand this mechanism so as to meet the standards of the Optional Protocol to the Convention against Torture.³⁶¹

Analysis and level of compliance with the recommendation

503. The Commission welcomes the measures presented by the State and recognizes their importance for the prevention and combat of torture in places of deprivation of liberty in the country. In particular, it values the information regarding the hiring of a specialized consultancy to develop a strategy for diagnosing and preventing torture in the penitentiary system, including a mapping of the available network in the states.

504. On the other hand, the Commission highlights that, at this time, it lacks information on the strengthening and sufficient allocation of resources to state-level mechanisms for the prevention and combat of torture that are currently in operation. In particular, it emphasizes that the State itself mentions that only five states would have these mechanisms. The Commission is also concerned by the information presented by the DPE/SP regarding the insufficient resources available to the National Mechanism for carrying out its functions.

³⁵⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁵⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁵⁹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁶⁰ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁶¹ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

505. Considering that the new measure adopted by the State is still in its initial phase, all the available information, and the contribution from the DPE/SP, the IACHR understands that the recommendation remains **pending** compliance.

Measures and information to advance compliance with the recommendation

506. To guide the implementation of this recommendation, the Commission reiterates the importance of reinforcing the structure, autonomy and financial and human resources of the National Mechanism, as well as the need to create mechanisms to prevent and combat torture in the states where they are still pending and to report on the progress made to this end. The IACHR also invites the State to share information on the development and results of the diagnosis being prepared by the specialized consultancy, as well as the proposed strategies and how the State plans to implement them.

Recommendation No. 63. Adopt such measures as are needed to ensure that all persons detained *in flagrante* have access to custody hearings, especially people detained in small towns far from the capitals and those wounded during police operations and subsequently transferred to hospitals.

507. In the 2023 follow-up report, the State informed that the STF had reinforced the mandatory nature of custody hearings for all prison types. It also highlighted that the CNJ had determined that, considering that the Covid-19 pandemic was over, all custody hearings should be held in person. The State also referred to a bill aimed at doing away with these hearings in some cases. However, the data reported by the Mechanism to Prevent and Combat Torture in the state of Rio de Janeiro (MEPCT/RJ) showed that said hearings, as well as the conditions in which they were held, varied across the country. Despite the progress made, the Commission determined that this recommendation had been partially complied with and urged the State to ensure physical presence of detainees at all hearings and to avoid measures restricting their effectiveness.³⁶²

Information on compliance

508. In 2024, the State reported that the above-mentioned bill was stalled in the Senate.³⁶³ On the other hand, it was noted that Resolution No. 562, of June 3, 2024, established guidelines for the implementation and operation of the Guarantee Judge, requiring all states to adapt to this regulation and create the corresponding courts. The Custody Person Assistance Service (APEC) is already present in 24 out of 26 federative units and the Federal District. In 2023, the National Coordination of Alternative Penalties approved 12 projects to hire multidisciplinary teams for APEC, allocating more than R\$ 730 million through the Voluntary Fund-to-Fund. In 2024, a new public call was launched with R\$ 800 million for 11 states that had not received funding previously. The goal is to ensure that all states have multidisciplinary teams working before and after the custody hearing, even on weekends and holidays. According to Resolution No. 213/2015, the custody hearing must be held in person within 24 hours after detention, allowing the intervention of the judge, the Public Ministry, the defense, and the APEC team. Resolution No. 562/2024 reinforces this obligation, allowing videoconferences only in exceptional and justified cases.³⁶⁴

509. For its part, the DPE/SP highlighted that, in the state of São Paulo, no measures have been adopted to ensure the physical presence of detainees at custody hearings. The DPE/SP stated that, on business days, only three out of the 21 judicial districts hold in-person hearings, while the remaining 18 conduct them online. In addition, the DPE/SP explained that, on weekends, all custody hearings across judicial districts are held online, except for those in the city of São Paulo.³⁶⁵

510. In turn, civil society organizations informed that there is a legislative proposal on the table to amend the Code of Criminal Procedure to allow online custody hearings. This proposal has been approved by

³⁶² IACHR, [2023 Annual Report, Chapter V. Brazil](#), paras. 435–439.

³⁶³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁶⁴ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁶⁵ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

the Chamber of Deputies and could be sent to the Senate for consideration. Since the pandemic, hearings have been held online, in person and in a hybrid format, with in-person hearings not being the norm anymore. Such amendment would consolidate online hearings, thus altering the very nature of custody hearings.³⁶⁶

Analysis and level of compliance with the recommendation

511. The Commission appreciates the information regarding the implementation of the figure of the Guarantee Judge and the APEC service, with multidisciplinary teams working before and after the custody hearing, which must be available to all individuals detained in flagrante. These types of measures are essential to ensure that all individuals brought before the criminal justice system have their human rights guaranteed. However, the information shared by the DPE/SP, an entity that actively participates in the custody hearings, and by civil society must also be taken into account.

512. Considering that the measures indicated by the State are in the initial implementation phase, the Commission determines that the recommendation remains **partially** fulfilled.

Measures and information to advance compliance with the recommendation

513. To guide compliance with this recommendation, the IACHR calls on the State to increase its efforts to ensure the physical presence of all persons detained in custody hearings, especially for those detained in locations far from the capital cities and those who have been transferred to hospitals because they have been injured in police operations. The Commission invites the State to share information on the scope of the implementation of the Judge of Guarantee and the APEC as a way of guaranteeing adequate attention to all persons detained in flagrante delicto in the country.

Recommendation No. 64. Take the necessary measures to ensure that, within the scope of custody hearings, the determination of pretrial detention is carried out exceptionally and in accordance with the principles of legality, necessity and proportionality.

514. In the 2023 follow-up report, the State reported on the creation of the Fazendo Justiça program, which, under the coordination of the CNJ and the UNDP, was being run for the third time. The State underscored the importance of custody hearings and explained that, since 2015, over one million hearings had taken place, resulting in the release of the detainee in over 40 percent of the cases, and that the number of pretrial detentions had dropped to 12 percent. The State added that a Vacancy Control Center had been created to streamline vacancy management at detention centers. While recognizing the efforts made by the State, the Commission determined that compliance with this recommendation was partial based on the lack of specific information and urged the State to strengthen institutionality to ensure that pretrial detention was applied in accordance with inter-American principles, including the training of judges and magistrates.³⁶⁷

Information on compliance

515. In 2024, the State failed to submit information on compliance with this recommendation.³⁶⁸

Analysis and level of compliance with the recommendation

516. Based on the absence of updated information, compliance with this recommendation remains **partial**.

³⁶⁶ CEJIL, Response to the request for information questionnaire, November 4, 2024.

³⁶⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 441–443.

³⁶⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Measures and information to advance compliance with the recommendation

517. To guide compliance with this recommendation, the Inter-American Commission prompts the State to adopt institutional strengthening measures so that, in the context of custody hearings, decisions on pretrial detentions are made in accordance with inter-American principles. These measures may include training sessions for judges and magistrates to ensure that pretrial detention is truly exceptional.

Recommendation No. 65. Guarantee detention conditions adapted to the particular needs of especially vulnerable groups. For women deprived of liberty, the State must ensure that the measures applied adhere to a gender approach. For persons with disabilities deprived of liberty, the State must make reasonable accommodations to remove the environmental barriers that make it difficult for them to exercise their rights.

518. In the 2023 follow-up report, the State informed that persons with disabilities accounted for 0.9 percent of the prison population in Brazil and referred to policies targeted at this group and incarcerated women. However, the State failed to provide specific information on the implementation of these measures at detention centers. Faced with the absence of specific data, the Commission determined that compliance with this recommendation was pending and urged the State to take steps to ensure adequate detention conditions for vulnerable groups, including women and persons with disabilities, and to provide up-to-date, disaggregated information about any action taken in that direction.³⁶⁹

Information on compliance

519. For 2024, the State reported that it has implemented measures to adapt detention center infrastructure to address the needs of people with disabilities. It stated that, with support from the Brazilian Inclusion Law (LBI) of 2015, physical adaptations have been made, such as ramps, handrails, and the adjustment of cells and bathrooms according to ABNT standards. Additionally, it noted that penitentiary agents are being trained to respect the rights of people with disabilities, and medical and psychosocial assistance is being expanded, including the provision of auxiliary equipment such as wheelchairs. According to the State, the National Mechanism for Prevention and Combating Torture (MNPCT) oversees the implementation of these accessibility standards.³⁷⁰

520. To ensure accessibility in detention centers for people with disabilities, the National Secretariat for Penal Policies developed the Accessibility Kit, which includes walkers, support bars, wheelchairs, crutches, ramps, and adapted restrooms. This kit will be distributed to all states to ensure at least one accessible space in the penitentiary system. Additionally, Technical Note 7 was created to guide the adaptation of prison spaces according to accessibility architectural standards. The collection of guidelines "Vulnerabilidad en Pauta" was also published, offering guidelines for the custody of vulnerable groups, including people with disabilities, based on Technical Note 83/2020 on their treatment in the penitentiary system.³⁷¹

521. To ensure a gender-sensitive approach in the penitentiary system, the Division for the Care of Women and Vulnerable Groups has implemented several actions within the National Policy for the Care of Incarcerated Women and Female Ex-Offenders (PNAMPE). Among the key measures are:

- i) Donation of 99 adapted vehicles for the transport of pregnant women, mothers with children, elderly individuals, and those with disabilities.
- ii) Events and training: Webinars on the situation of women in prison, gender and sexuality, and the screening of the documentary "*Olha pra Elas*," which highlights the feminization of poverty and the abandonment of women in prison.

³⁶⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 445–448.

³⁷⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁷¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

- iii) Menstrual Dignity Project: Implementation of sanitary pad and diaper factories in penitentiary units, with agreements in 11 states and over 3.9 million reais invested in machinery.
- iv) Free Women Program: In collaboration with the Santa Catarina Court of Justice, it aims to reduce the incarceration of pregnant women and those with young children, promoting their social reintegration.
- v) Participation in the National Pact for Early Childhood, to ensure the rights of children of incarcerated women.
- vi) Publication of the "Vulnerabilidad en Pauta" collection, with guidelines on the custody of vulnerable groups.
- vii) State-level plans for the care of incarcerated women, developed in cycles (2021-2023 and 2024-2027), with semi-annual monitoring and regional workshops to adapt penitentiary policies to local realities.³⁷²

522. Additionally, technical visits to women's prisons were conducted to exchange experiences and improve the living conditions of incarcerated and released women.³⁷³

523. Moreover, the DPE/SP informed that incarcerated persons with disabilities who are in pretrial detention or serving prison sentences allegedly face the same conditions as other inmates, with no infrastructure adapted to their special needs. This situation is exacerbated by the absence of adequate medical care at prison facilities, which lack minimum health equipment as required by the PNAISP.³⁷⁴

Analysis and level of compliance with the recommendation

524. The Commission expresses concern that, despite the State's report on strengthening the infrastructure of detention centers, these modifications do not address the specific needs of vulnerable population groups. Despite the State's efforts, significant barriers persist, such as those indicated by DPE/SP regarding incarcerated individuals with disabilities who continue to serve prison sentences without adequate infrastructure. There is also a lack of guaranteed access to proper medical care for people with disabilities in penitentiary units, with healthcare teams not compliant with the PNAISP. Actions for women deprived of liberty do not effectively cover all penitentiary units in the country, and although measures have been implemented to improve infrastructure and train staff, oversight of the effective implementation of these adjustments remains insufficient.

525. The Commission once again emphasizes that the contexts and conditions in society in general, and naturally for individuals deprived of liberty, are dynamic. Therefore, the effectiveness of any program, public policy, or measure related to human rights should be assessed periodically to avoid becoming obsolete and ineffective. In this sense, the IACHR considers that the recommendation remains **pending** compliance.

Measures and information to advance compliance with the recommendation

526. To comply with the recommendation regarding individuals with disabilities, the IACHR invites the State to accelerate the implementation of adapted cells in all penitentiary units, ensure that the Accessibility Kits are distributed and effectively used in all states, monitor the adequacy of penitentiary infrastructure through regular inspections, and expand specialized medical care coverage in accordance with the PNAISP. Regarding women deprived of liberty, the IACHR invites the State to extend the actions of the PNEMPE to all correctional facilities in the country, ensure the constant provision of hygiene products within the framework of the Menstrual Dignity Project, and expand the Free Women Program to more states.

³⁷² State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁷³ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

³⁷⁴ DPE/SP, Response to the request for information questionnaire, October 4, 2024.

L. Human rights defenders

Recommendation No. 66. Strengthen and endow the Human Rights Defenders Protection Program with the structural facilities it needs to guarantee effective and comprehensive protection for human rights defenders, including the signing of state agreements to ensure the actual implementation of that program nationwide. Similarly, ensure effective coordination with the security agencies responsible for implementing the protection measures, so as to guarantee full compliance with the program.

527. In the 2023 follow-up report, the State failed to submit information on the measures adopted to comply with this recommendation. However, civil society organizations reported that conversations and activities under the PPDDH had been resumed after the change in the national administration. This included the release of a presentation booklet and the creation of the Sales Pimenta WG to draft a national plan and a bill for the protection of human rights defenders. Despite the progress achieved, the Commission concluded that compliance with this recommendation remained partial and urged the State to provide updated information, earmark sufficient resources for the PPDDH and take steps to include the civil society in the Deliberative Council, as well as to implement the program across the country.³⁷⁵

Information on compliance

528. In 2024, the State informed that the PPDDH is operational across Brazil, either through the Federal Technical Team or as a result of agreements with state governments. There are teams currently working in the following states: Paraíba, Pará, Bahia, Pernambuco, Ceará, Maranhão, Mato Grosso, Minas Gerais, Espírito Santo and Rio Grande do Sul. There are also regionalized federal teams in Amazonas, Roraima, Rondônia, Mato Grosso do Sul and Rio de Janeiro, which assist human rights defenders who have suffered some kind of threat because of their activity. All other states are monitored by the Federal Technical Team. In addition, the State reported that some progress was achieved in implementing the PPDDH in 2024, especially thanks to larger investments, which rose from 17 million Brazilian reais in 2023 to 32 million Brazilian reais in 2024. An additional investment of nearly 5 million Brazilian reais was made to address the Yanomami people crisis.³⁷⁶

529. Furthermore, the State explained that more resources were allocated to the PPDDH as a result of an expansion of the Federal Technical Team, which now includes five regional teams, and the setting up of a program office in Porto Seguro to expand its operations in the south of the state. Proximity is key to listen to and support defenders at risk directly, and increases program visibility, which helps to prevent threats. Furthermore, the new agreements provide for the inclusion of a risk analyst, who helps to identify threats and vulnerabilities and supports the adoption of protection measures through internal and external risk assessment.³⁷⁷

530. As for the Sales Pimenta WG, the State recalled the information provided the year before regarding its structure, duties and organization. The State added that, so far, the Sales Pimenta WG has held nine ordinary meetings, six public hearings and 42 public consultations to strengthen and expand existing protection measures for these vulnerable population in Brazil.³⁷⁸

531. Finally, the State mentioned that the MDHC hired special consulting services to formulate the National Plan to Protect Human Rights Defenders and the National Protection Policy. So far, the State has received comparative technical reports on protection programs from the European Union, Spain, France, Mexico and Colombia, in addition to an analysis of Brazilian bills and court decisions concerning the protection policy. Also, reports have been prepared which analyze meetings and public consultations on issues involving indigenous and Quilombola peoples, media workers and environmentalists. By December 2024, when the work

³⁷⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 450–456.

³⁷⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁷⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁷⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

of the Sales Pimenta WG is to be concluded, the following outcomes are expected: a technical document with proposed thematic axes for the national plan, a draft bill on the National Protection Policy and a detailed draft for the national protection plan.³⁷⁹

532. Moreover, a civil society organization that is a deputy member of the Sales Pimenta WG reported that the PPDDH has allegedly taken considerable steps to restructure its program and policies by devising a new national policy to protect human rights defenders, media workers and environmentalists. In this regard, this organization highlighted the creation and implementation of a policy for the protection of defenders and the actions undertaken by the Sales Pimenta WG, which reportedly enjoys broad social participation and has achieved progress in helping the State of Brazil guarantee the rights of human rights defenders.³⁸⁰

533. Conversely, civil society organizations have stated that challenges to the implementation of the PPDDH persist across Brazil. After the rulings issued by the Regional Federal Court of the Fourth Region and the Inter-American Court of Human Rights in the Gabriel Sales Pimenta case, in June 2023, a technical working group was created to design a new protection policy together with a connected bill. This group started to work in December 2023. In this regard, several requests were made by the civil society, including a request for support to streamline discussions, a request to hold in-person meetings to ensure equal participation and a request for an adequate budget for national hearings and meetings. However, the delay in hiring consulting services and organizing activities also delayed results, so this process is expected to end in late 2024. Meanwhile, the protection program remains operational.³⁸¹

534. In its 2024 annual report, Amnesty International concluded that the authorities had failed to adequately protect human rights defenders. According to Justiça Global, in average, three defenders were allegedly killed each month in Brazil in the past four years. The PPDDH still lacks legal support and specific approaches in terms of race, ethnicity, sexual diversity and territory. In addition, 16 states do not have their own programs, which compromises the effectiveness of protection measures.³⁸²

535. Furthermore, the Commission learned that the Brazilian Committee of Human Rights Defenders, made up of 48 civil society organizations, sent a letter to the UN Special Rapporteur on human rights defenders, Mary Lawlor, during her visit to Brazil last April. The letter denounces the systemic weakening of the protection policy, which was implemented in 2004 thanks to the civil society, and summarizes the primary issues that are currently affecting the civil society at large: low budget execution; the lack of transparency and social participation; low institutionalization; the absence of structure and staff; the reduction of cases heard by federal courts; political instability in management; the nonexistence of gender, race and class perspectives; and deficiencies in the effectiveness of protection measures.³⁸³

Analysis and level of compliance with the recommendation

536. The Commission welcomes the information on the institutional reinforcement of the PPDDH through the investment of more resources, including additional funds to ensure its operation in the Yanomami territory, as well as the expansion of its technical team and physical structure. The Commission also appreciates the steps taken by the PPDDH to restructure its program and policies and to ensure its presence in more states across the country. Finally, the Commission considers that the work of the Sales Pimenta WG is important in that it guarantees and strengthens protection measures and helps to create the National Plan to Protect Human Rights Defenders and the National Protection Policy.

³⁷⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁸⁰ Vladimir Herzog Institute, Response to the request for information, October 2024.

³⁸¹ CEJIL, Response to the request for information questionnaire, November 4, 2024.

³⁸² Amnesty International, [The State of the World's Human Rights in 2024](#).

³⁸³ Brazilian Committee of Human Rights Defenders, "[Carta aberta da sociedade civil para Relatoria da ONU sobre a Proteção de DDHs](#)," April 10, 2024.

537. However, the Commission cannot overlook the issues put forward by the civil society with regard to the insufficiency of financial and human resources for the PPDDH, the lack of transparency and social participation, the limitation of its activity, among others.

538. The Commission considers that the State has succeeded in taking measures to reinforce its policies for the protection of human rights defenders. Nevertheless, the Commission underscores that the State has yet to create instruments that are necessary to strengthen the public policy for the protection of defenders in Brazil, such as the National Protection Policy and the National Plan to Protect Human Rights Defenders. Based on the foregoing, the Commission understands that compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

539. To guide implementation, the Commission highlights how important it is for the State to step up efforts to institutionally reinforce the PPDDH and to finish the National Plan to Protect Human Rights Defenders, as well as the National Protection Policy, ensuring broad social participation and transparency.

Recommendation No. 67. Guarantee the effective and comprehensive implementation of the measures to protect human rights defenders, especially those located in rural areas far from urban centers.

540. In the 2023 follow-up report, the State failed to share information with the Commission on the measures taken to implement this recommendation. However, civil society organizations reported a persistent lack of active transparency across state and federal programs, as well as difficulties in accessing information about the PPDDH. They added that protection measures were still homogeneous and that they failed to address the specific needs of human rights defenders in rural areas, and that state teams had insufficient resources to meet the existing demands. The Commission concluded that compliance with this recommendation remained pending and urged the State to provide up-to-date information and enhance the enforcement of protection measures, especially for people in rural areas, and to guarantee active transparency in federal and state programs.³⁸⁴

Information on compliance

541. In 2024, the State informed that the process of granting protection measures to human rights defenders started with the request for registration to the program, which could be filed by civil society organizations, defenders themselves or other public agencies. To ensure transparency, the MDHC keeps the PPDDH web page updated within its site, providing guidance on the request for registration, information about applicable rules, program operation and a list of contacts across Brazil. In addition, the Communications Advisory Unit of the MDHC has a communications plan in place to share information on the activities carried out by the Sales Pimenta WG and on public hearings, which is intended to disseminate the initiatives undertaken and meet international and domestic guidelines on the subject.³⁸⁵

542. Furthermore, the State mentioned that most PPDDH beneficiaries reside in rural areas, including indigenous peoples and traditional communities. Once included in the program, human rights defenders have access to protection measures adapted to their rural context, including on-site visits and other specific actions. As for transparency, measures are granted in agreement with human right defenders, who are actively involved in the protection process. In addition, thanks to an increase in their federal budget, protection programs have been reinforced in the states of Pará, Paraíba, Bahia, Ceará, Maranhão, Mato Grosso, Minas Gerais, Pernambuco, Rio Grande do Sul and Espírito Santo, thus expanding human resources and program coverage.³⁸⁶

³⁸⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 458–463.

³⁸⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁸⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

543. Notwithstanding the foregoing, civil society organizations claimed that the process of granting protection measures to human rights defenders still lacks transparency and that the reinforcement of state protection programs has only been limited. According to these organizations, the PPDDH shows signs of precariousness, as evidenced by the agreements signed for its operation. Out of the 10 state programs currently in operation (Bahía, Ceará, Maranhão, Mato Grosso, Paraíba, Minas Gerais, Pará, Pernambuco, Rio de Janeiro and Rio Grande do Sul), at least three are allegedly experiencing delays in the allocation of resources or in the public call for a new agreement to be signed so that measures can be later implemented.³⁸⁷

Analysis and level of compliance with the recommendation

544. The Commission welcomes the information furnished by the State but emphasizes that there is no specific data as to how an effective, comprehensive implementation of protection measures for the people included in the program is guaranteed, especially for those who reside far from urban centers and in rural areas. Based on the foregoing, the Commission considers that compliance with this recommendation is still **pending**.

Measures and information to advance compliance with the recommendation

545. To guide compliance with this recommendation, the Commission urges the State to submit relevant and updated information on the effective implementation of protection measures for human rights defenders. Furthermore, the Commission invites the State to provide data related to the effective application of protection measures, such as the number of persons served by the program, the regions where they are assisted, the type of violations suffered, the number of deaths, among others.

Recommendation No. 68. Investigate, with due diligence, all acts of violence against human rights defenders, bearing in mind any intersection with other especially at-risk groups mentioned in this report, assuming as an investigative hypothesis that those acts were committed in retaliation for their activities in defense of human rights.

546. In the 2023 follow-up report, the State failed to provide information to the Commission on any steps taken to implement this recommendation. Conversely, civil society organizations reported that no significant initiatives had been undertaken by the State and that inaction and impunity were still serious obstacles to the protection of human rights defenders. These organizations highlighted emblematic cases such as the murder of Marielle Franco and the Pau D'Arco massacre. Faced with this situation and the lack of information from the State, the Commission concluded that compliance with this recommendation remained **pending**.³⁸⁸

Information on compliance

547. In 2024, the State reported that it has adopted measures to ensure the diligent investigation of acts of violence against human rights defenders and the punishment of those responsible. The State explained that the PPDDH carries out regular follow-up work together with public security agencies to monitor progress in the investigation of each case. Furthermore, in situations of threat and violence related to territorial conflicts, the DEMCA/MDA collaborates with other federal institutions to i) oversee compliance with investigation protocols; ii) request the inclusion of leaders in the protection program if necessary; and iii) talk with authorities from the Public Prosecutor's Office and the judiciary to avoid impunity in these cases.³⁸⁹

³⁸⁷ CEJIL, Response to the request for information questionnaire, November 4, 2024.

³⁸⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 465–469.

³⁸⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

548. The Commission learned of the visit of the UN Special Rapporteur on human rights defenders, Mary Lawlor, and her evaluation of the country's situation. With regard to the investigation of acts of violence, she stated that, in many cases, perpetrators are known but impunity prevails.³⁹⁰

549. In addition, civil society organizations indicated that, between 2019 and 2022, 1,171 cases of violence against human rights defenders were recorded in Brazil, including 169 murders, with an average of three murders per month. In 2023, the Conselho Indigenista Missionário reported 411 cases of violence against indigenous people, including 208 murders and other attacks. The policy for the protection of defenders, created in 2004, has allegedly weakened due to a number of problems such as low budget execution; the lack of transparency and social engagement; insufficient structure and equipment; a decrease in the number of cases heard by federal courts; and the absence of gender, race and class perspectives.³⁹¹

Analysis and level of compliance with the recommendation

550. The Commission appreciates the response sent by the State, in which it reported on the conversations held by the PPDDH with public security agencies, as well as on the actions undertaken by the DEMCA/MDA. Nevertheless, the Commission notes with concern the evaluation carried out by the UN Special Rapporteur and the information provided by the civil society. Furthermore, the Commission believes that there is still insufficient information as regards the measures adopted to investigate with due diligence acts of violence against human rights defenders. Based on the foregoing, the Commission considers that compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

551. To guide compliance with this recommendation, the Commission invites the State to share information on how it guarantees that these acts of violence are investigated effectively and with due diligence, and on how it prevents them from going unpunished.

Recommendation No. 69. Promote dissemination of the legal provision seeking to federalize crimes committed against human rights defenders.

552. In the 2023 follow-up report, the State failed to submit information regarding compliance with this recommendation. Nevertheless, civil society organizations reported that, up to that moment, no measures had been taken to federalize crimes committed against human rights defenders in Brazil. Since the State did not share information neither in 2022 nor 2023, the Commission determined that compliance with the recommendation was still pending and urged the State to provide updated information on any steps taken to ensure these crimes are federalized and to present data that show the increased use of this classification.³⁹²

Information on compliance

553. In 2024, the State once again failed to submit information on compliance with this recommendation.³⁹³

Analysis and level of compliance with the recommendation

554. Faced with the lack of information concerning this recommendation, the Commission determines that compliance is still **pending**.

³⁹⁰ United Nations in Brazil, "[No Brasil, impunidade e interesses econômicos matam defensores de direitos humanos](#), April 19," 2024.

³⁹¹ CEJIL, Response to the request for information questionnaire, November 4, 2024.

³⁹² IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 471–473.

³⁹³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Measures and information to advance compliance with the recommendation

555. To guide compliance with this recommendation, the Commission urges the State to submit relevant and updated information on the initiatives undertaken and the measures adopted by the State to ensure that crimes committed against human rights defenders are federalized, and to provide data that show the increased use of this classification.

Recommendation No. 70. Adopt proactive measures to foster a human rights culture and an environment free of violence and threats, recognizing the value and importance of the work done by human rights defenders in reaffirming the validity of democratic institutions and of a State governed by the Rule of Law.

556. In the 2023 follow-up report, the State did not submit any information to the Commission concerning compliance with this recommendation. The civil society, however, reported that the government had shown more initiative to raise awareness among the population of the work done by human rights defenders and highlighted the release of the PPDDH booklet. Despite these efforts, the Commission determined that compliance with this recommendation remained pending, considering the lack of official information from the State in 2022 and 2023. The Commission prompted the State to submit up-to-date information about any initiatives undertaken and measures adopted to promote the recognition and protection of the activities carried out by human rights defenders.³⁹⁴

Information on compliance

557. In 2024, the State reported that the protection measures implemented under the PPDDH include actions to showcase the actions taken by defenders who promote and advocate for human rights against companies and authorities across all areas of government, provided such measures do not increase the level of risk or threat to defenders. In each case, strategies are adopted to highlight the importance of their work and to help to ensure that it is carried out free of risk. Said strategies include support for events or the safe transfer of defenders so they can participate in activities related to their role.³⁹⁵

558. The State added that showcasing the work performed by human rights defenders not only recognizes the importance of what they do but also educates and engages society at large in terms of how relevant it is to protect and promote human rights. By making their work and the challenges they face public, society is invited to reflect on and appreciate the guarantee of rights, especially for the most vulnerable groups. These strategies also create a support and solidarity network, thus driving a culture of empathy and respect for fundamental rights and freedoms and helping to remove the prejudice and stigma associated with human rights.³⁹⁶

Analysis and level of compliance with the recommendation

559. The Commission welcomes the information shared by the State as regards the promotion of a human rights culture and the recognition of the importance of the work done by defenders in preserving democratic institutions and the Rule of Law. Consequently, the Commission considers that the level of compliance with this recommendation has progressed to **partial**.

Measures and information to advance compliance with the recommendation

560. To comply with this recommendation, the Commission invites the State to share all the actions undertaken to foster a culture of human rights.

³⁹⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 475–477.

³⁹⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁹⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

M. Human trafficking

Recommendation No. 71. Step up actions to prevent, protect, and assist victims of trafficking in persons by implementing the Third National Plan to Address Trafficking in Persons (2018-2022), fostering cooperation with states, municipalities, civil society organizations, academia, and international organizations specializing in all facets of public policies.

561. In the 2023 follow-up report, the State submitted information on the Third National Plan to Address Trafficking in Persons, effective until July 2022, which is structured around 58 goals within six thematic axes. The State reported that an Interministerial Monitoring and Evaluation Group (CGETP) had been created to monitor this plan, as was a public platform where compliance with such goals could be verified. The State added that steps had been taken to strengthen coordination among different agencies, such as the expansion of the Network to Combat Human Trafficking and the signing of technical cooperation agreements. While significant progress had been made in terms of prevention and assistance to victims, the Commission concluded that the recommendation had only been partially complied with and highlighted the need to continue reinforcing policies, as well as to provide updated information on the Fourth National Plan to Address Trafficking in Persons.³⁹⁷

Information on compliance

562. In 2024, the State explained that the evaluation of the Third National Plan to Address Trafficking in Persons, approved by Decree No. 9,440 of 2018, had concluded. The civil society as well as national and international agencies were involved in said evaluation. The plan included 58 goals structured around six thematic axes and was monitored using the Monitora 8.7 platform, developed by the Labor Public Prosecutor's Office (MPT) and the ILO. The final assessment, carried out in cooperation with the Observatory of International Migration in Brazil (OBMigra) of the UnB, applied certain criteria such as participation, effectiveness and available resources, and served as the basis for the fourth national plan, released on July 30, 2024, which will guide actions against human trafficking until 2028.³⁹⁸

563. According to the State, the Fourth National Plan to Address Trafficking in Persons (2024-2028) was led by the General Coordination of the Fight Against Human Trafficking and Migrant Smuggling of the Ministry of Justice and Public Security, with technical support from the United Nations Office on Drugs and Crime (UNODC) and the collaboration of the National Committee to Combat Human Trafficking (CONATRAP). The process was structured in three phases: i) comprehensive evaluation; ii) preparation and review of the preliminary version with roundtables; and iii) technical validation and formal approval. The IV National Plan to Combat Human Trafficking (IV PNETP) aims to address the emerging needs of the country and will be implemented from 2024 to 2028, with the general objective of strengthening the National Policy on Combating Human Trafficking through structuring actions and coordination. Its specific objectives include the prevention of trafficking, protection of victims, and accountability for perpetrators. The plan is structured around five key areas: i) policy structuring; ii) coordination and partnerships; iii) prevention; iv) protection and assistance to victims; and v) repression and accountability.³⁹⁹

564. The new plan is divided into five strategic axes, with priority actions and specific activities for each. First, the policy seeks to strengthen institutions involved in the fight against human trafficking by restructuring the legal framework and drafting a National Anti-Human Trafficking Training Plan. Next, the policy provides for coordination and association to foster national and international cooperation, thus improving data collection and connecting issues such as forced labor and the protection of vulnerable groups. Under the prevention axis, the State seeks to mitigate vulnerability factors to prevent human trafficking. In addition, the victim protection and assistance axis promotes support and training programs for people who serve victims. Finally, the enforcement and accountability axis contributes to the fight against human

³⁹⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 480–484.

³⁹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

³⁹⁹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

trafficking with a focus on avoiding victim criminalization and revictimization, thus facilitating the adoption of a comprehensive approach to combat this crime.⁴⁰⁰

Analysis and level of compliance with the recommendation

565. The Commission applauds the creation of the Fourth National Plan to Address Trafficking in Persons and commends the State for having relied on the evaluation of the effectiveness of the previous plan for that purpose. The Commission notes the importance of ensuring the participation of the civil society in the drafting, the implementation and the assessment of public policies.

566. In its previous follow-up report, the Commission stated that, since the recommendation referred to a policy that ended in 2022, it would no longer follow up on compliance therewith. Based on the information provided by the State on the preparation of the fourth national plan, the Commission determines that this recommendation has been **fully complied with**, and, starting next year, the Commission will stop monitoring its implementation.

N. Forced internal displacement

Recommendation No. 72. Draft and implement public policies for repressing violence and other factors that trigger internal displacement, specifically among peasant (*campesino*) populations and rural workers who are forced to abandon the territories they originally came from due to the violence in rural areas.

567. In the 2023 follow-up, the State failed to provide substantial information on compliance. Therefore, the Commission concluded that compliance with this recommendation remained pending and urged the State to adopt public policies to prevent forced internal displacement, with a special focus on peasant populations and rural workers.⁴⁰¹

Information on compliance

568. In 2024, the State informed that it took measures to eradicate violence and factors that drive internal displacement, especially in rural and agricultural areas affected by land conflicts. Faced with the resumption of eviction proceedings that had been suspended by the STF previously (during the pandemic), the government has prioritized mediation as a key strategy to address these conflicts and avoid violence. To do so, the State has created agencies specialized in conflict mediation across several ministries, including the Secretariat of Access to Justice under the MJSP, the Department of Mediation of Conflicts Involving Indigenous Land under the MPI and the DEMCA/MDA.⁴⁰²

569. In addition, the State reported that the purpose of the DEMCA/MDA, created under Decree No. 11,396 of 2023, is to find peaceful solutions to agricultural conflicts, especially those related to the eviction of consolidated peasant communities. The DEMCA/MDA receives complaints from various sources, such as individuals, social movements, trade unions, companies and other government agencies. After an initial assessment, it collects data and contacts the authorities that are responsible for mediating the conflict, which will document visits in technical reports that include visual evidence and testimonies. Situations of violence as well as threats and the lack of public services are recorded in these reports, which are subsequently sent to the relevant authorities and the INCRA, thus contributing to decision-making and the allocation of resources to purchase land and perform on-site supervision activities.⁴⁰³

570. The State added that the DEMCA/MDA acts in land disputes related not only to agrarian reform claims from social movements and trade unions but also to territorial disputes involving Quilombola

⁴⁰⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁰¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 486–488.

⁴⁰² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁰³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

communities and traditional peoples. Intervention by the DEMCA/MDA may be requested by NGOs, unions and other government agencies or the Public Prosecutor's Office, or it can be directly ordered based on the seriousness of the conflict. In prosecuted cases, the reports prepared by the DEMCA/MDA are sent to the Federal Prosecutor's Office under the INCRA to prioritize the defense of autarchy in the proceedings. The DEMCA/MDA collaborates at mediation hearings and technical visits, and forwards to the CNJ the cases of reintegration of possession, where some judges fail to observe the requirements under Resolution No. 510 of 2023, which establishes mediation mechanisms for these conflicts.⁴⁰⁴

571. Finally, the State reported that the Division to Combat Human Trafficking and Migrant Smuggling of the Federal Police took several actions against human trafficking, including preventive measures and information monitoring to address the root causes of crimes before they are even committed. In addition, the division collaborates with Interpol's international operations and reinforces migration control at borders and airports. It also participates in the CONATRAP, where it designs strategies to enhance the implementation of the National Policy to Combat Human Trafficking, with a focus on victim protection and the prosecution of perpetrators. Furthermore, with the development of victim-recruiting technologies, the Federal Police conducts regular training to effectively combat human trafficking and provide broader protection to victims, thus contributing to the defense of human rights.⁴⁰⁵

Analysis and level of compliance with the recommendation

572. The Commission welcomes the measures reported by the State. These measures included creating agencies specialized in agrarian conflict mediation in several ministries (the MJSP, the MPI and the MDA) to avoid violence and internal displacement in rural areas, especially after the resumption of eviction proceedings; establishing the DEMCA/MDA, which focuses on agrarian conflict mediation, prioritizes peaceful solutions and documents situations of violence and threats; and addressing territorial conflicts that involve Quilombola communities and traditional peoples through the DEMCA/MDA, which also collaborates at hearings and technical visits.

573. The actions reported, especially those targeted at mediating agrarian conflicts and strengthening institutions, constitute a step forward that has a positive impact on the protection of rural communities and traditional peoples. Based on the foregoing, the Commission considers that compliance with this recommendation has progressed to **partial**.

Measures and information to advance compliance with the recommendation

574. To guide compliance with this recommendation, in addition to conflict mediation and resolution, the Commission invites the State to report on the measures being adopted to suppress violence and other factors that result in internal displacement, especially among peasant communities and rural workers.

Recommendation No. 73. Draw up and implement a regulatory framework with specific laws on identifying and protecting persons and protecting the victims of forced internal displacement in Brazil.

575. In the 2023 follow-up report, the State failed to submit substantial information on compliance. Consequently, the Commission determined that compliance with this recommendation was pending and urged the State to adopt a regulatory framework based on updated information about internal displacement in Brazil and to reach a broad understanding of the issue by identifying new sources of displacement, negative impacts and relevant responses. According to the Commission, these elements are essential for the development of an adequate regulatory framework that fits the current reality of this phenomenon.⁴⁰⁶

⁴⁰⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁰⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁰⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 490–492.

Information on compliance

576. In 2024, the State failed to submit information on compliance with this recommendation.⁴⁰⁷

Analysis and level of compliance with the recommendation

577. Based on the absence of updated information, compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

578. To guide compliance with this recommendation, the Commission emphasizes the importance of adopting a regulatory framework based on updated information on internal displacement in Brazil. In this regard, the Commission once again highlights how important it is for the State to broadly understand this phenomenon by identifying new sources of displacement, negative impacts and relevant responses, which are essential for developing an adequate regulatory framework, tailored to the reality and current features of this problem.

O. Human mobility, asylum and statelessness

Recommendation No. 74. Fully implement Law No. 13,445/2017 (New Migration Law) in a transparent process, with civil society participation and in accordance with the inter-American human rights, principles, norms, and standards; establishing, in particular, the National Migration, Refugees, and Statelessness Policy, envisaged in Article 120 of that Law.

579. In the 2023 follow-up report, the State explained that MJSP 's Resolution No. 290 of 2023, which regulates Article 120 of the Migration Law, provided for the creation of a working group in charge of developing the National Migration, Refugees and Statelessness Policy. The State explained that said group had received over 1,800 contributions and was conducting an internal evaluation of the regulatory project. However, civil society organizations claimed that the public consultation process and the hearings had yet to take place, and that the date to complete this stage had not been updated. The Commission determined that compliance with this recommendation was partial and prompted the State to move forward with the working group's agenda, ensuring social participation, and to report on the development of the policy.⁴⁰⁸

Information on compliance

580. In 2024, the State reported that, in 2023, the MJSP had taken the first steps in the design of the National Policy on Migration, Refugees and Statelessness (PNMRA) through a working group that included representatives from the civil society, international agencies and academia. This group organized discussions that revolved around five thematic axes: the regularization of migrants; local integration; the promotion of rights and the fight against xenophobia; social engagement; and international relations. The process entailed national consultations and the analysis of over 1,400 contributions, which emphasized the need to improve migrants' access to public services, combat xenophobia and foster intergovernmental cooperation. As a result, a decree proposal was drafted to formalize the PNMRA, and the information gathered will be useful for other initiatives undertaken by the Migration Department of the MJSP.⁴⁰⁹

581. Furthermore, the State highlighted that the proposed decree seeks to structure and coordinate the PNMRA in a decentralized, participatory manner, by means of initiatives such as the National Plan on Migration, the National Migration Council, the Interministerial Committee, the National Network of Welcoming Cities (RNCA), and national support centers. The draft decree is currently being discussed with other ministries

⁴⁰⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴⁰⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 494–497.

⁴⁰⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

to ensure its integration into the executive branch's policies. Then, the proposal will be submitted to public consultation to receive feedback from the civil society, so as to tailor the policy to the needs of migrants, refugees and stateless people. The purpose of the PNMRA is to consolidate a structural, ongoing policy that connects intersectional services and ensures the rights of these groups beyond regularization and emergency assistance.⁴¹⁰

582. Moreover, in addition to this regulatory process, the State is carrying out key actions to protect the rights of migrants and refugees, and to promote their integration in Brazil. The State referred mainly to the National Conference on Migration, Refugees and Statelessness (COMIGRAR) and the RNCA. The second COMIGRAR, held in September 2023, sought to explore the debate on migration and build the foundations for the first National Plan on Migration, Refugees and Statelessness, thus promoting the participation of migrants and refugees, as well as collaboration among governments, civil organizations and associations. At the preparation stage, 138 local and state conferences were held. The national COMIGRAR will be held in November 2024 in Brasilia. There is updated information available on the DEMIG/SENAJUS' website.⁴¹¹

583. Finally, the State explained that the RNCA was launched in November 2023 as a collaboration forum to promote the shelter and integration of migrants, refugees and stateless people in urban areas. This forum, which municipalities may join freely, seeks to strengthen participatory and decentralized governance in migration matters. At the launch event in Brasilia, in which 252 attendees participated, SENAJUS/MJSP Ordinance No. 84 and the Charter of Brasilia were signed, setting the network's objectives and guidelines. So far, 26 cities from different regions of the country have joined the RNCA, including capitals and cities at Brazilian borders. In addition, the network fosters the development of institutional capacities, the exchange of experiences and the reinforcement of municipal migration policies in Brazil, in collaboration with public and international agencies and the civil society.⁴¹²

Analysis and level of compliance with the recommendation

584. The Commission considers that the measures reported by the State constitute significant steps towards compliance with this recommendation. Especially, the Commission highlights the participatory consultation process and the drafting of the PNMRA. The decree proposal that will allegedly formalize the PNMRA and structure initiatives such as the National Migration Plan, the COMIGRAR and the RNCA, is proof of a coordinated, multisectoral approach. Furthermore, the RNCA promotes cooperation among municipalities and relevant actors to create inclusive welcoming environments, while the second COMIGRAR intends to spark off a deep, ongoing debate on migration and develop the first National Migration Plan. Based on the above, the Commission considers that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

585. To guide compliance with this recommendation, the Commission invites the State to report on the progress made to conclude and implement the PNMRA, as well as to share further details on the steps it will take to ensure that said policy is adequately funded to put all the proposed measures into practice. Furthermore, the Commission prompts the State to provide updated information on the expansion of the RNCA to additional municipalities—in particular, regions with high migration and shelter rates—and on its integration into local service systems.

Recommendation No. 75. Define national plans for the comprehensive protection of human rights and social inclusion of all persons in a situation of human mobility residing in the country, taking into account factors such as race, gender, diversity, age, childhood, disability, as well as intersectional treatments.

⁴¹⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴¹¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴¹² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

586. In the 2023 follow-up report, the State referred to several initiatives intended to promote the social inclusion of migrants, such as the Program to Attend to and Accelerate Asylum Policies for Afro-descendants and streamlined procedures for specific cases involving women and the LGBTQIA+ population. The State also mentioned Interministerial Ordinances Nos. 24, 37 and 38 issued by the MJSP/MRE, which addressed visas and residence permits for vulnerable groups. However, the civil society pointed out that a national conference on migration, scheduled for the second half of 2023, could be postponed. The Commission welcomed those initiatives and determined that compliance with this recommendation had progressed to partial. Nevertheless, the Commission highlighted the lack of specific data on their implementation and on results and urged the State to continue designing policies and to hold said conference to draft and adopt a comprehensive national plan.⁴¹³

Information on compliance

587. In 2024, the State failed to submit information on compliance with this recommendation.⁴¹⁴

Analysis and level of compliance with the recommendation

588. In view of the absence of updated information, compliance with this recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

589. To guide compliance with this recommendation, the Commission urges the State to report specific data on the implementation of the public policies mentioned in 2023. Furthermore, the Commission prompts the State to timely move forward with the approval and implementation of a National Policy on Migration, Refugees and Statelessness, ensuring transparency and social engagement throughout the process. Said policy must promote the inclusion of persons in situation of human mobility living in Brazil, taking into account such factors as race, gender, diversity, age, childhood and disability, as well as any other characteristics capable of triggering intersectional risks.

Recommendation No. 76. Step up humanitarian welcome actions, provided for in the Migration Law, Law No. 13,445/2017 and supplemented by the measures established in Law No. 13,684/2018 for persons who find themselves in vulnerable circumstances arising out of the migration flow caused by a humanitarian crisis, particularly with regard to maintaining and bolstering actions to receive persons displaced from Venezuela by the current humanitarian crisis.

590. In the 2023 follow-up report, the State informed the Commission about the granting of visas and humanitarian residence permits, including those under MJSP/MRE's Interministerial Ordinances Nos. 36, 37 and 38, to migrants from Ukraine and Haiti, and to persons with family links in Brazil. In addition, the State created an emergency shelter in Praia Grande (SP) for Afghan refugees. The civil society, however, reported delays in the processing of requests for visas and accessibility issues at embassies, such as that of Haiti. Civil society organizations also referred to the creation of a working group that would design a national policy to integrate migrants, but which showed varying levels of progress. The Commission considered that the measures adopted were a significant step forward but determined that additional efforts had to be made for the efficient processing of visas and provision of consular services, as well as for the continuation of programs for persons displaced from Venezuela. Therefore, the Commission concluded that compliance with this recommendation had progressed to **substantial partial**.⁴¹⁵

⁴¹³ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 499–503.

⁴¹⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴¹⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 505–510.

Information on compliance

591. In 2024, the State highlighted Brazil's international commitment to refugees and migrants through its migration and refugee policies, based on laws No. 13,445/2017 and No. 9,474/1997. The 1997 Refugee Law expanded the definition of refugee to include those fleeing their country due to serious human rights violations. Later, the 2017 Migration Law established the possibility of granting residence permits for humanitarian reasons, which is applicable, for example, to Venezuelan migrants. One of the key initiatives is the "Operação Acolhida" (Operation Welcome), launched in 2018 to assist Venezuelan refugees and migrants, facilitating their voluntary relocation from municipalities in Roraima to other cities in Brazil. This action aims to improve the social, economic, and cultural integration of the beneficiaries, as well as to alleviate the pressure on public services in Roraima. The operation involves the Federal Government, states, municipalities, Armed Forces, the Judiciary, international organizations, and over 100 civil society organizations.⁴¹⁶

Analysis and level of compliance with the recommendation

592. In view of the absence of updated information, compliance with this recommendation remains **substantial partial**.

Measures and information to advance compliance with the recommendation

593. To guide compliance with this recommendation, the Commission considers the State should guarantee the continuation of the reported programs and urges the State to send updated information on the actions taken to receive persons displaced from Venezuela. In particular, the Commission notes that the State needs to timely and effectively process requests for visas and provide consular services at Brazilian consulates and embassies in countries where the demand for visas is higher, so as to prevent asylum-seekers from staying in the situation of risk in which they are.

Recommendation No. 77. Maintain and strengthen public policies, programs, and actions to welcome, bring in, include, and provide social welfare for migrants, asylum-seekers, and refugees, undertaken directly by the State or with the support of civil society organizations.

594. In the 2023 follow-up report, the State informed the Commission about the progress achieved by the working group created under MSJP's Ordinance No. 290 of 2023 in regulating the PNMRA. The initiatives under development included the organization of the second COMIGRAR the implementation of support centers for migrants, refugees and stateless persons, and the creation of the RNCA. In addition, the State reported that the follow-up process of migrants in border cities had intensified to ensure their integration and prevent human trafficking. The Commission welcomed these measures but pointed to the lack of specific data on their implementation and outcomes. Therefore, the Commission determined that the recommendation had been partially complied with and called on the State to provide detailed information and to step up efforts to welcome and integrate migrants.⁴¹⁷

Information on compliance

595. In 2024, the State failed to submit information on compliance with this recommendation.⁴¹⁸

Analysis and level of compliance with the recommendation

596. In view of the absence of updated information, compliance with this recommendation remains **partial**.

⁴¹⁶ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁴¹⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 512–516.

⁴¹⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

Measures and information to advance compliance with the recommendation

597. With a view to complying with this recommendation, the Commission invites the State to continue making efforts to welcome and integrate migrants, asylum-seekers and refugees, especially by restructuring a comprehensive national policy that includes and supplements the progress reported. The Commission invites the State to provide specific data on the implementation of the public initiatives reported, as well as on their outcomes.

Recommendation No. 78. Implement and strengthen actions to protect and shelter migrants living in the streets in both border areas and in cities in Brazil.

598. In the 2023 follow-up report, the State indicated that, to address the situation of Afghan refugees at the Guarulhos International Airport, an emergency shelter had been set up in Praia Grande (SP), which housed 200 individuals in a situation of vulnerability. This shelter, supported by several civil institutions, provided medical care, migration status regularization assistance and Portuguese lessons. Furthermore, Afghan individuals had been transferred to local shelters where they had received legal counsel, food and other resources. While the creation of the shelter and the relocation of refugees constituted a significant step forward, the Commission considered that this recommendation had been partially complied with and requested updated information on public policies intended to welcome migrants living in the streets and in border areas, as well as on the implementation of mechanisms to identify and protect their rights.⁴¹⁹

Information on compliance

599. In 2024, the State reported that migrants in Brazil are identified by means of the Specialized Reference Center of Social Assistance (CREAS) under the SUAS. Migrants can access institutional welcome services, such as shelters and temporary accommodation, with a focus on personal development. In cases of large migratory flows, the Ministry of Social Development and Assistance, Family, and the Fight against Hunger (MDS) technically and financially supports states and municipalities to build emergency shelters if local capacity is exceeded, as was the case of Operação Acolhida (Operation “Welcome”) for Venezuelan migrants in Roraima. Migrants are included in the social assistance system through registration in the municipality-managed Single Registry of Social Programs, which helps to identify whether families belong to GPTE. This Single Registry includes all low-income families, irrespective of their nationality, and allows for the identification of their nationality in the form.⁴²⁰

600. Furthermore, the MDS is actively involved in the Interministerial Working Group and the Action Plan for Persons Living in the Streets and has been holding weekly meetings since June 2023 to prepare the working group’s first study, which will lay the foundations for a future census of this population. A pilot study was conducted in December in Niterói (RJ), where the MDS participated as an observer and evaluator. This working group is also preparing methodological research guidelines that can be replicated across states and municipalities, as well as reviewing relevant federal administrative records. The MDS also participates in the current diagnosis of homeless people in Brazil to ground measures under said action plan.⁴²¹

601. The State added that it strictly monitors the implementation of the Guidelines for Serving International Migrants under the SUAS. All social assistance services, benefits, programs and projects are available to migrant individuals and families in a situation of vulnerability and at risk, provided that they are eligible. To guarantee access, migrants learn about the SUAS during information sessions and in materials available to them.⁴²²

⁴¹⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 518–522.

⁴²⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴²¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴²² State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

602. Finally, the State reported that it has established cofinancing procedures for the support and protection of homeless migrants, so that they can have access to a safe environment, and social work services. An example of these efforts is Operação Acolhida, conducted at the Venezuelan border in Roraima, through which assistance is provided to Venezuelan refugees and migrants in six federal shelters, out of which three are targeted at Venezuelan indigenous people. In addition, the MDS, in partnership with UNICEF, has set up two registration posts in Boa Vista and Pacaraima to provide social protection and assistance services to migrant families. Since 2023, both the MDS and UNICEF have carried out missions to support local management in the recording and updating of data concerning these families, thus implementing a support plan focused on the efficiency and sustainability of registration posts and assistance provided to migrants.⁴²³

603. Regarding measures adopted in other urban centers, the State explained that the high impact of migration is measured by the flow of migrants either passing through or settling in the country. This measure is justified by the impact of these flows on the administrative organization of urban centers, whose effects directly affect the public policies available to the general population and to migrants, who need to be properly assisted. In this regard, the State has adopted regular or emergency measures to assist migrants, refugees, and stateless individuals, ensuring that their full human and social rights are guaranteed on equal terms with nationals. Among the measures adopted, the State mentioned federal co-financing for the assistance of migrants and refugees within the Unified Social Assistance System (SUAS), technical assistance provided by the Ministry of Social Development (MDS) to subnational entities, the collection and dissemination of national and international good practices in social services provided to this population, cross-sectoral coordination to expand access to various sectorial public policies, training for market integration, and institutional reception.⁴²⁴

Analysis and level of compliance with the recommendation

604. The Commission welcomes the measures reported by the State to shelter migrants living in the streets or in other situations of vulnerability, which included the implementation of social assistance policies under the SUAS. In particular, the Commission highlights the *Operação Acolhida*, which assists Venezuelan migrants in Roraima, and commends the creation of emergency shelters, as well as the protection provided under the SUAS network and the Single Registry. The Commission also underscores the importance of the Action Plan for Persons Living in the Streets, which has an impact on the policies targeting homeless migrants in the country.

605. Based on the foregoing, the Commission considers that the measures adopted by the State to guarantee the shelter of migrants living in the streets are relevant for compliance with this recommendation. Therefore, the Commission determines that compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

606. To achieve full compliance with this recommendation, the Commission invites the State to submit information on the measures adopted in other urban centers with high migration levels, for example, the city of São Paulo (SP).

Recommendation No. 79. Prevent, raise awareness of, and combat xenophobia and all forms of violence against persons in human mobility situations, including migrants, refugees, those applying for refugee status, stateless persons, and victims of human trafficking.

607. In the 2023 follow-up report, the State referred to the creation of the Moïse Kabagambe Observatory to monitor and combat violence and xenophobia against migrants and refugees, with a focus on gender violence, racism and workplace violence. The purpose of this observatory was to collect data, conduct

⁴²³ State of Brazil, Note No. 326 of October 22, 2024, Response to the consultation questionnaire.

⁴²⁴ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

studies and collaborate with several entities to support the design of public policies. While this was a positive initiative, the Commission observed that there was no public data on its results. Therefore, the Commission considered that this recommendation had been partially complied with and urged the State to move forward with its efforts in relation to the Moise Kabagambe Observatory, ensuring that all related information was publicly available and updated.⁴²⁵

Information on compliance

608. In 2024, the State reported various activities focused on the prevention, awareness, and fight against human trafficking, highlighting the 10th National Mobilization Week, which takes place every July in commemoration of World and National Day Against Human Trafficking (July 30). As part of Brazil's participation in the Blue Heart Campaign, the National Mobilization Week is held annually during the week including July 30, with actions aimed at raising awareness about human trafficking nationwide through a broad network of stakeholders. The objectives of this week are to increase knowledge and mobilize society and institutions, enhance the involvement of civil society, publicize national actions against human trafficking, and promote the UN's Blue Heart Campaign as a global prevention platform. High-visibility activities are carried out, such as the lighting of public buildings in blue, seminars, dialogues, distribution of materials, and educational blitzes, with the support of the National Policy for Combating Human Trafficking, including networks of combating cells, the National Committee for Combating Human Trafficking (CONATRAP), public agencies, and civil society organizations.⁴²⁶

609. In 2024, various informational materials focused on human trafficking, slave labor, and the protection of women and children were developed. Among the most notable resources is the "Turma da Mônica Jovem - Sonho Perigoso" comic, designed to raise awareness among children and adolescents about the dangers of human trafficking. The story revolves around a young person who, tempted by an online offer, almost falls into a human trafficking trap. The goal of this publication is to educate young people, as well as parents and educators, about the risks associated with this crime. Another key material is the Guide to Identifying and Assisting Child and Adolescent Victims of Human Trafficking, which provides practical tools for institutions working with victims, promoting access to rights and preventing further violations. Additionally, several informational pamphlets were created, such as one guiding on Human Trafficking and Work Abroad, aimed at providing information and recommendations to Brazilians wishing to work abroad, ensuring safe migration and respect for their rights. Another pamphlet on Human Trafficking in the Context of Environmental Degradation in Brazil aims to raise awareness and train stakeholders involved in the prevention of trafficking and environmental protection, improving the identification and assistance of victims of this crime.⁴²⁷

610. On the other hand, the State reported that the Standard Operating Protocol (POP/TIP) aims to strengthen Brazil's policies and efforts in the fight against human trafficking by organizing a set of institutional interventions, from identifying victims to their return to the country. This protocol coordinates the actions of various institutional actors involved in the process. Furthermore, free courses were launched on the Virtual Government School platform (EV.G), in collaboration with the International Organization for Migration (IOM), to promote training on qualified listening to vulnerable groups and combating migrant smuggling. Also, the Interministerial Ordinance MJSP/MTE No. 46 was published, which modifies the procedures for granting residence to victims of trafficking or slave labor, facilitating the necessary documentation and prioritizing the processing of applications. Additionally, the National Report on Human Trafficking (2021-2023) was presented, which gathers data and analysis on human trafficking in Brazil, obtained from reports by national authorities and experts on the matter.⁴²⁸

611. Finally, the Migrant Smuggling Action Plan was launched, developed by the National Secretariat of Justice (SENAJUS) and the IOM, with the aim of strengthening prevention, response, and

⁴²⁵ IACHR, [2023 Annual Report, Chapter V. Brazil](#), paras. 531–534.

⁴²⁶ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁴²⁷ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁴²⁸ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

cooperation in the fight against this transnational crime. As part of this effort, the MJSP is conducting a study in collaboration with the Federal University of Minas Gerais (UFMG) to collect data on judicial processes related to human trafficking and analogous to slavery, which will allow for a detailed diagnosis and the establishment of a database to improve the judicial response in these cases.⁴²⁹

Analysis and level of compliance with the recommendation

612. The Commission positively highlights the measures reported by the State to fulfill the recommendation. In particular, it recognizes the importance of the National Week of Mobilization Against Human Trafficking, the publication of informational and educational materials, the training sessions on the subject, the development of the Standard Operating Protocol (POP/TIP), the facilitation of residency for victims, as well as the research and data collection on human trafficking and the launch of the Action Plan Against Migrant Smuggling. Based on these actions, the Commission concludes that the recommendation is making substantial progress toward **partial** compliance.

Measures and information to advance compliance with the recommendation

613. In order to guide the full implementation of this recommendation, the Commission invites the State to share information on the development and impact of the reported measures.

Recommendation No. 80. Strengthen government structures relating to the protection of the human rights of migrants, refugees, and stateless persons, especially Brazil's National Committee for Refugees (CONARE).

614. In the 2023 follow-up report, the State provided information about the Program to Attend to and Accelerate Asylum Policies for Afro-descendants, aimed at proposing migration solutions and public policies. It also promoted a simplified procedure for the submission of asylum applications for women and girls at risk of genital mutilation or ablation and LGBTIA+ persons. Furthermore, financial literacy courses were offered to immigrants and refugees. Even though these initiatives contributed to complying with the recommendation, the civil society highlighted the need to set up more decentralized CONARE units and to increase the participation of the civil society in the committee. The Commission considered that the level of compliance with this recommendation had advanced to partial and requested additional information on the new measures and on the restructuring of the National Immigration Council (CNIg), as well as on the creation of more CONARE units and on the improvement of civil society participation.⁴³⁰

Information on compliance

615. In 2024, the State reported that the CONARE had analyzed 138,359 asylum applications, which accounted for a 235 percent increase against the previous year. The same year, 77,193 individuals were granted refugee status, the highest number in the history of the refugee system in Brazil, which represented a 1,232 percent increase against 2022. This significant increase caused the total number of individuals granted refugee status in Brazil to rise by 117.2 percent, thus reaching 143,033 individuals. In addition, the CONARE grew the number of observer members by including several ministries, such as the Ministry of Social Development, the Ministry of Human Rights, the MIR, the Ministry of Ports and Airports, and the MPI.⁴³¹

616. Furthermore, in 2023, the State, in collaboration with the UNHCR, began to implement the Action Plan to Strengthen the Protection and Local Integration of the Haitian Population in Brazil," which is part of the Program to Attend to and Accelerate Asylum Policies for Afro-descendants. This plan, whose structuring is still underway in 2024, centers around four axes: mapping needs and making a diagnosis on the

⁴²⁹ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁴³⁰ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 533–539.

⁴³¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

access to rights; expanding access to humanitarian responses and mechanisms for reception; strengthening socioeconomic integration strategies; and supporting Haitian community structures.⁴³²

617. The State considers that reforms are needed to improve the actions of the CNIg and to reshape its role in the Brazilian migration policy. Technical studies into its composition, organization and competence were conducted, which translated into a proposal that is expected to be submitted along with the PNMRA.⁴³³

Analysis and level of compliance with the recommendation

618. The Commission welcomes the fact that the CONARE had the capacity to analyze almost 140,000 asylum applications and to grant refugee status to 77,000 individuals. The Commission also appreciates the fact that the CONARE increased the number of observer members by including several ministries and that the Action Plan to Strengthen the Protection and Local Integration of the Haitian Population in Brazil was developed and structured. Finally, the Commission is thankful for the information provided by the State on the need to reform the CNIg to reshape its role in the Brazilian migration policy.

619. Based on the measures that were reported as to the strengthening of government structures relating to the protection of the human rights of migrants, refugees and stateless persons, the Commission considers that the level of compliance with this recommendation has progressed to **substantial partial**.

Measures and information to advance compliance with the recommendation

620. The Commission invites the State to continue providing updates on the actions of the CONARE, as well as on the development of the Action Plan to Strengthen the Protection and Local Integration of the Haitian Population in Brazil, and on the measures adopted to reform the CNIg.

Recommendation No. 81. Ensure effective access and due process guarantees in connection with administrative procedures regarding immigration and refugee documents.

621. In the 2023 follow-up report, the State reported that over 80,000 refugee status applications had been analyzed, double the amount reviewed in 2022, thanks to the improvements made in process management and IT tools, including the strengthening of the studies on the country of origin and the development of the SISCONARE system. The State added that 10,671 applications for naturalization had been decided on. Moreover, the civil society reported a return to democratic actions and an increase in its participation, even though there had been issues relating to expulsions without due process. The Commission appreciated the measures adopted to speed up immigration processes and to ensure a reasonable time for their completion. It concluded that the recommendation had progressed to substantial partial compliance and invited the State to continue ensuring said reasonable time and to provide up-to-date data on refugee and asylum processes.⁴³⁴

Information on compliance

622. In 2024, the State underscored that it is simplifying the issuance of free identity documents for immigrants facing a situation of economic vulnerability, as required by Law No. 13,445 of 2017. The State added that, even though the issuance process is complex for immigrants, it is completed promptly when they submit all the required documentation. Furthermore, according to the State, the Federal Police has approximately 120 attention units across the country. For asylum applications, the process begins in the SISCONARE system and is followed by the biometric identification team at the Federal Police before being sent for its analysis to the CONARE. Refugee applicants receive a Provisional National Migration Registration

⁴³² State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴³³ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴³⁴ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 541–546.

Document (DPRNM), and detailed information is made available on the website of the MJSP. On average, documents for immigrants are issued 15 days after the identification at the PF's attention units.⁴³⁵

623. Moreover, the State reported that the PF, through the National Migration Registration System (SISMIGRA), has granted refugee status to 59,362 individuals, has received 65,152 refugee status applications and has provided asylum to 500 individuals. To promote transparency in migration data, in 2013, the OBMigra was created in cooperation with the UnB. Recently, the observatory has launched "DataMigra BI," an easy-to-use tool that enables public access to up-to-date migration data.⁴³⁶

Analysis and level of compliance with the recommendation

624. The Commission welcomes the measures reported by the State to promote effective access and due process guarantees in connection with administrative procedures regarding immigration and refugee documents. Based on the information sent and requested for the previous report, the Commission considers that this recommendation has reached **full compliance** and therefore will cease to follow up on it as of next year.

Recommendation No. 82. Issue affordable and non-stigmatizing provisional IDs for all asylum-seekers, stateless persons, and migrants, while taking additional measures to train public servants and raise awareness among the general population so as to ensure effective access to rights and services.

625. In the 2023 follow-up report, the State indicated that, as provided by Ordinance No. 9,277 of 2018, the DPRNM had been created to replace the Refugee Protocol, and that DPRNMs were issued as soon as asylum applications were received by the CONARE and the Federal Police systems, which had been integrated in 2020. However, no information was provided on any measures taken in 2023. For its part, the civil society pointed out that there were many undocumented immigrants living in Brazil due to the lack of regularization opportunities and to the delays resulting from border closures during the pandemic. The Commission noted that no information on the measures adopted in 2023 had been submitted and therefore it considered that the recommendation was still pending compliance. The Commission urged the State to provide up-to-date information on regularization measures and to take steps to ensure access to documentation, rights and services for vulnerable migrants.⁴³⁷

Information on compliance

626. In 2024, the State reported that, to ensure a decent, accessible and fast service, the Federal Police offers services at a number of units that meet the demand for such services, cooperate with civil society organizations and international bodies to assist immigrants, and organize special days of mass assistance in high-demand areas. The State claims that these actions reflect its awareness of how important identity documents are for immigrants to access public services and to be integrated into the labor market.⁴³⁸

627. In addition, the State held that it has taken steps to train agents on migration issues, as well as to raise awareness among them. The ENAP offers courses on this topic in its Escuela Virtual (Virtual School) platform, which is accessible to the public, along with specific courses for the Federal Police in the EAD platform of the National Police Academy. Furthermore, it was pointed out that the Federal Police provides constant internal training and collaborates with the civil society to increase the number of agents that are familiar with migration issues and to expand access to migration documents.⁴³⁹

628. Finally, the State highlighted the implementation of the SISCONARE platform since 2019, which records applications for refugee status recognition and manages asylum processes at all stages. Asylum

⁴³⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴³⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴³⁷ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 548–552.

⁴³⁸ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴³⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

seekers complete an online form and then present themselves at a Federal Police post for biometric and biographical identification. The integration of SISCONARE with the Federal Police's Sismigra system enables a unified service, streamlining administrative procedures and improving efficiency. In 2024, SISCONARE incorporated new functionalities, such as issuing certificates for applicants or recognized refugees and processing requests for reopening archived cases. Additionally, CG-Conare regularly issues documents, including corrections to recognition notifications or certificates.⁴⁴⁰

Analysis and level of compliance with the recommendation

629. The Commission considers that the reported measures represent important steps towards compliance with the recommendation, especially the capacity of the Federal Police to provide services at appropriate units and its cooperation with civil society organizations and international bodies to assist immigrants, as well as its adjustments in high-demand areas. The Commission also acknowledges that the training measures on the matter targeted at Federal Police agents are appropriate. As a result, the Commission determines that the level of compliance with this recommendation has progressed to **partial**.

Measures and information to advance compliance with the recommendation

630. To guide compliance with the recommendation, the Commission invites the State to share information on the measures adopted to ensure that vulnerable immigrants have easy access to identity documents.

Recommendation No. 83. Strengthen integrated steps to protect migrants from slave labor and guarantee prompt investigation, with all due diligence of any such cases, as well as punishment of those responsible.

631. In the 2023 follow-up report, the State reported that the General Coordinating Office on Labor Immigration (CGIL) of the MJSP granted residence permits for work-related reasons and that workplace inspections, which were carried out by the Labor Secretariat (SIT) of the Ministry of Labor and Employment (MTE), were aimed at monitoring the working conditions and guaranteeing the human rights of both Brazilian and immigrant workers. The State also submitted information on the Labor Inspectorate Statistics and Information Dashboard available on the Labor Inspectorate portal, which published data on slavery-like work, child work and infringement records. The MTE also worked on the promotion of labor rights and the fight against slave labor. However, the civil society voiced concerns over the State's failure to follow up on the Operação Acolhida relocation program and over the risk faced by many immigrants of becoming victims of slavery-like work. The Commission appreciated the steps taken and noted that compliance with the recommendation was partial. It also urged the State to provide information on the specific measures adopted to investigate and punish labor exploitation, to ensure access to justice for immigrants and to report on the results achieved by the MPT.⁴⁴¹

Information on compliance

632. In 2024, the State reported that it continued to strengthen its policy for the eradication of slave labor, in which the SIT had a central role. Labor inspectors identify cases of slave-like work, hold employers responsible and rescue the victims, thus ensuring their labor rights. The SIT prepares technical reports that support legal action in the administrative, civil and criminal fields, which call for a comprehensive approach in cooperation with other institutions, such as the MPT, the Federal Public Defender's Office and the Federal Public Prosecutor's Office.⁴⁴² The State added that, in December 2024, the Inspection joined Alliance 8.7,

⁴⁴⁰ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁴⁴¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 550–560.

⁴⁴² State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

making the country recognized as one of the pioneers in promoting international commitments to eradicate forced labor, modern slavery, human trafficking, and child labor.⁴⁴³

633. In addition, it was pointed out that the Office of Labor Inspectors has ample power to inspect workplaces without prior notice, review documents and impose sanctions. In 1995, Brazil created the Special Mobile Inspection Group (GEFM) to carry out actions in rural areas and rescue victims of slave labor. This strategy was replicated in the region to achieve a faster and better distributed response. The SIT also ensures that rescued workers are compensated for and, if employers fail to cooperate, the SIT removes the victims and guarantees temporary accommodation for them, as well as their return to their place of origin and their access to social benefits.⁴⁴⁴

634. The State added that over 63,000 workers had been rescued since 1995 and that employers had to pay over 148 million Brazilian reais in compensation. In 2023 the State informed that 3,292 workers were rescued and, in 2024, as of August, another 1,142 victims were rescued. Stronger actions are expected in 2025 with the incorporation of new inspectors. Also, the SIT has created an emergency assistance program to cover transport and basic needs in cases where the employer refuses to stop engaging in exploitative practices. The SIT also works in coordination with other institutions, such as the MPT and the Federal Public Defender's Office to ensure immediate judicial and administrative support.⁴⁴⁵

635. Furthermore, the State reported that it has implemented measures, such as the Registry of Employers, known as the "dirty list," and the National Treatment Protocol for Victims of Slave Labor, which was created in 2021 to coordinate the reporting, rescue and post-rescue assistance process. In 2020, the Ipê System, a multilingual digital platform for the reporting of slave labor, was launched, which has optimized the response to said reports. This year, as of October, 2,444 reports had been received through this efficient system that is available to all citizens.⁴⁴⁶

636. In 2003, Brazil developed its first National Plan for the Eradication of Slave Labor (PNETE) and created the National Commission for the Eradication of Slave Labor (CONATRAE) to coordinate actions between public bodies and society. Its second plan, which was released in 2008, added training and labor reintegration measures for rescued workers. Its third plan is currently underway and expected to be released in 2025 with new slave labor eradication goals.⁴⁴⁷ The State explained that the Plan is under the coordination of the Ministry of Human Rights and Citizenship (MDHC), through CONATRAE, and is already in an advanced stage of development.⁴⁴⁸

637. In particular, as regards immigrants, the State held that assistance, protection and integral compensation measures apply to all victims of slave labor in Brazil, regardless of their nationality or migration status. For rescued irregular immigrant workers, Interministerial Ordinance MJSP/MTE No. 46 of 2024 guarantees a permanent residence authorization for those who want it and establishes the procedures for the Office of Labor Inspectors and other public agents to provide support to the victims of human trafficking, slave labor or rights violations. This ordinance, which is in line with the Palermo Protocol, also coordinates the second PNETE with the fourth National Plan to Combat Human Trafficking.⁴⁴⁹

638. Furthermore, in June 2024, by means of an Article 41 letter, the Commission requested information from the State on the increase in slave labor cases. According to official information in the public

⁴⁴³ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

⁴⁴⁴ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁴⁵ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁴⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁴⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁴⁸ State of Brazil, Note No. 30 of February 7, 2025, Comments on the draft report.

⁴⁴⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

domain, in 2023, the MTE rescued almost 3,200 individuals working in slave-like conditions and, in 2024, the largest operation to combat slave labor was launched, and 593 workers were rescued.⁴⁵⁰

Analysis and level of compliance with the recommendation

639. The Commission welcomes the measures adopted by the State to combat slave labor in the country and acknowledges the efforts that have been made for decades in this regard. The Commission highlights the drafting process of the third PNETE, as well the strengthening of existing policies among the new measures implemented in 2024. In particular, in relation to rescued immigrant workers, the Commission applauds Interministerial Ordinance MJSP/MTE No. 46 of 2024, which guarantees a permanent residence authorization and establishes the procedures for public agents to provide support to the victims of human trafficking, slave labor or rights violations.

640. However, the Commission also notes that the referred measures to combat slave labor are recent, so it is too soon to assess their impact on the actions already in course for that purpose. This has been a recurring issue in the inter-American system in relation to Brazil—from the case of the *Hacienda Vale do Rio Cristalino*, of 1995, to the case of the *Hacienda Brasil Verde workers*, of 2016—but it is not limited to rural areas: slave labor is also present in urban areas, where Brazilians and immigrants are exploited. Based on the foregoing, the Commission considers that compliance with this recommendation continues to be **partial**.

Measures and information to advance compliance with the recommendation

641. To achieve full compliance with the recommendation, the Commission invites the State to report on the completion and implementation of the third PNETE, detailing if said plan also addresses immigrant workers, and to submit information on any new measures designed to protect this group.

P. Memory, truth and justice

Recommendation No. 84. Establish a body to oversee compliance with the recommendations of the National Truth Commission.

642. In the 2023 follow-up report, the State reported that it was working on the creation of a deliberative instrument to monitor compliance with the 29 recommendations issued by the National Truth Commission (CNV). The State acknowledged that it had not paid these recommendations the attention they deserved over the past few years and underscored that the three branches of the Republic had to share the efforts towards compliance. According to a report drawn up by the Vladimir Herzog Institute, by the end of 2022, only two recommendations had been fully implemented, six had been partially implemented, 14 had not been implemented, and seven had experienced setbacks. In view of that, the Commission determined that compliance with the recommendation had progressed to partial, but it noted that, despite the efforts to create the new instrument, most recommendations had not been implemented and some had even suffered setbacks. The Commission highlighted the importance of completing the creation of said instrument, ensuring its autonomy, transparency and efficacy, and guaranteeing the participation of victims and the civil society, as well as the need to implement an action plan with its own accountability mechanisms.⁴⁵¹

Information on compliance

643. For 2024, the State highlighted that the CNV had completed its work in 2014, having fulfilled its legal mandate to investigate human rights violations perpetrated between 1946 and 1988. All three branches of government, as well as some local governments, have the shared responsibility of implementing the recommendations included in the final report of the CNV. The MDHC has been monitoring compliance with

⁴⁵⁰ MTE, “[MTE resgata 3.190 trabalhadores de condições análogas à escravidão em 2023](#)”, January 10, 2024; Agência Gov, “[Maior operação da história contra trabalho escravo resgata 593 trabalhadores](#)”, August 29, 2024.

⁴⁵¹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 562–565.

a number of these recommendations, such as the correction of causes of death in death certificates, the modification of Infoseg Network records and other public records, the creation of mechanisms against torture, the improvement of the conditions of the penitentiary system, the provision of medical and psychological assistance to the victims, the promotion of human rights in education and the search and identification of the remains of individuals who disappeared for political reasons so that they could be returned to their families.⁴⁵²

644. In addition, the State reported that the MDHC was working on the creation of a permanent committee to monitor compliance with the recommendations issued by the CNV. Within the structure of the ministry, there is a Special Committee on Political Disappearances and Deaths (CEMDP), whose function is to officially acknowledge the death of persons who were detained for political reasons between 1961 and 1988, and who remain disappeared. The CEMDP also manages the search and identification of victims, as well as the compensation of their families. Furthermore, the MDHC and the CEMDP have requested a resolution from the CNJ to rectify the death records of the victims of the dictatorship included in the final report of the CNV.⁴⁵³

645. Notwithstanding that, civil society organizations have claimed that the State has been negligent in complying with the recommendations issued by the CNV. In this regard, organizations and the Federal Public Prosecutor's Office were allegedly working together to demand answers from the State. It was also pointed out that, according to the report prepared by the Vladimir Herzog Institute, out of the 29 recommendations, barely two were complied with (7 percent) and six were partially complied with (21 percent).⁴⁵⁴

Analysis and level of compliance with the recommendation

646. The Commission welcomes the fact that the MDHC is in the process of creating a committee to monitor compliance with the recommendations issued by the CNV, as well as the fact that the MDHC and the CEMDP have requested a resolution from the CNJ to rectify the death records of the victims of the dictatorship. However, the Commission also draws attention to the information provided by civil society organizations on the level of compliance with the report of the CNV. Considering that the measures reported by the State are still under development, the Commission determines that the level of compliance with the recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

647. The Commission commends the initiative and highlights the importance of completing the creation of the deliberative instrument, ensuring the resources for its autonomy, transparency and efficacy, and guaranteeing the participation of victims and civil society representatives. The Commission also emphasizes the need to implement an action plan with accountability mechanisms.

Recommendation No. 85. Strengthen mechanisms and actions for making comprehensive reparation to the victims of human rights violations perpetrated during the civil-military dictatorship, including the deployment of physical and psychological rehabilitation measures for the victims and their next of kin, and continuation and strengthening of historical memory policies.

648. In the 2023 follow-up report, the State submitted information on the reorganization of the Amnesty Commission (CA), which had also appointed new directors and adopted new internal rules of procedure, which enabled a more expedited review of amnesty applications. Despite the major changes that it had undergone since 2016, which resulted in the rejection of most declarations of amnesty and compensation, the CA had received 79,389 applications as of August 2023. Out of these, 3,400 were still pending review. Civil society organizations had confirmed the resumption of the activities of the CA in accordance with the Rule of

⁴⁵² State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁵³ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁵⁴ Vladimir Herzog Institute, Response to the request for information, October 2024; CEJIL, Response to the request for information questionnaire, November 4, 2024.

Law, although few reparations had been awarded in 2023. The Commission considered that compliance with the recommendation had progressed to partial and called on the State to continue reviewing applications and to guarantee comprehensive reparation measures for the victims of the dictatorship, as well as to preserve the archives relating to the dictatorial regime.⁴⁵⁵

Information on compliance

649. For 2024, the State reported that the CEMDP is the body responsible for acknowledging and compensating the victims of the dictatorship. In this regard, the State held that money was transferred to the families of dead or disappeared persons who had their applications reviewed and approved in accordance with the law regulating the CEMDP. The State added that the CA is tasked with the promotion of political compensation for victims. During 2024, the CA reviewed 1,033 political amnesty applications. Out of these, seven were collective amnesty applications. The CA has already resolved 80,000 processes and intends to resolve all pending 7,000 processes by 2026, when it is expected to cease to operate.⁴⁵⁶

650. At the same time, the CEMDP had suspended its operation in December 2022, despite having pending applications. When Brazil's administration changed in 2023, the MDHC advanced the restoration of the CEMDP, which resumed its work in July 2024 thanks to a decision by the President confirming the continuation of the CEMDP and appointing new members. The reopening ceremony was held on August 30, 2024, when the new internal rules of procedure were presented and the CNJ was requested to rectify the death certificates of the victims of the dictatorship. In addition, feedback was collected from family members and implemented in the plan of activities of the CEMDP.⁴⁵⁷

651. Notwithstanding the foregoing, civil society organizations informed the Commission that, in spite of the resumption of its activities, the CA was working with little resources and resolving a small number of cases. They added that the amnesty application submitted by Vladimir Herzog and his children, for example, despite having been ruled on by the Inter-American Court of Human Rights, had not yet been resolved, unlike the application submitted by his wife.⁴⁵⁸

Analysis and level of compliance with the recommendation

652. The Commission applauds the information relating to the activities of the CA and the CEMDP as a way of ensuring integral compensation to the victims of human rights violations perpetrated in the context of the dictatorship in Brazil. In particular, the Commission commends the resolution of over 1,000 cases by the CA and takes note of the adoption of the new internal rules of procedure of the CEMDP, the adoption of a plan of activities and the request submitted to the CNJ to rectify the death certificates of the victims of the dictatorship.

653. Based on the foregoing, the Commission considers that the State has taken important steps towards compliance with the recommendation, but it underscores that the CA still has several unresolved processes and that the CEMDP has just resumed its work, so compliance with the recommendation remains **partial**.

Measures and information to advance compliance with the recommendation

654. As a way to guide compliance with the recommendation, the Commission calls on the State to ensure that the CA is able to meet its goal of resolving all pending processes by 2026 and that the CEMDP

⁴⁵⁵ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 567–571.

⁴⁵⁶ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁵⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁵⁸ Vladimir Herzog Institute, Response to the request for information, October 2024.

resumes its work shortly. In this regard, the Commission underscores the importance of allocating sufficient human and financial resources to both institutions for that purpose.

Recommendation No. 86. Take, *ex officio*, all steps needed to determine the fate or whereabouts of the victims of forced disappearance, identify their mortal remains, and deliver them to their family members. Search operations should be part of a comprehensive public policy regarding disappearances, and they should be conducted, systematically and rigorously, by independent and impartial entities, using adequate human and technical resources and guaranteeing communication and coordination with the victims' next of kin.

655. In the 2023 follow-up report, the State reported that, even though the CEMDP had historically been the main body responsible for the search of persons who had disappeared during the dictatorship, it paused its activities in 2019 and ceased its work altogether in 2022. The State added that it was looking to restore the CEMDP to full operation and that it was negotiating agreements to continue identifying bone remains at the Perus clandestine mass grave. The Commission voiced its concern over the fact that the work of the CEMDP was interrupted and later brought to an end, considering that compliance with the recommendation was still pending, and it urged the State to resume the operation of the institution, as well as to ensure resources to search for and identify victims, and to return their remains with dignity to their next of kin.⁴⁵⁹

Information on compliance

656. For 2024, the State reported that, since early 2023, the MDHC has worked on the restoration of the CEMDP, which was formally reopened in July 2024 by means of a presidential decision.⁴⁶⁰

657. The State added that the MDHC, through the new Special Advisory for the Defense of Democracy, Memory and Truth, has promoted policies and collaborations to advance the identification of the victims of forced disappearances perpetrated during the dictatorship. Among other efforts, 46 human remains samples found in the Perus clandestine mass grave (SP) were sent to the International Commission on Missing Persons at The Hague for their genetic testing. Furthermore, a work plan is being developed to resume the investigations relating to the Araguaia Guerrilla in collaboration with the Federal University of South and Southwest Pará (UNIFESSPA). The CEMDP is also drafting a plan of activities, with a special emphasis on the search and identification of the victims of forced disappearance for political reasons.⁴⁶¹

Analysis and level of compliance with the recommendation

658. The Commission welcomes the creation of a body responsible for the defense of democracy, memory and truth within the federal administration. The Commission also commends the State for achieving progress in the work at the Perus clandestine mass grave, as well as for the development of a work plan to resume the investigations relating to the Araguaia Guerrilla. However, even though these measures represent important steps towards compliance with the recommendation, the Commission considers that they are still at an early stage or under development. In view of that, the Commission determines that compliance with the recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

659. To guide the State in the implementation of the recommendation, the Commission reaffirms the need to undertake efforts to search for the victims of forced disappearances perpetrated during the dictatorship. In this regard, the Commission highlights the need to ensure the availability of the resources that are needed to advance the process of determining the total number of victims of the dictatorship and to clarify the fate of said victims and ensure their search and identification, as well as the return of their remains to their

⁴⁵⁹ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 574–578.

⁴⁶⁰ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁶¹ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

families, if applicable. In this regard, the Commission recalls the importance of implementing a comprehensive public policy on disappearances.

Recommendation No. 87. Investigate, prosecute, and wherever criminal liability is determined, punish the perpetrators and instigators of gross human rights violations, while refraining from having recourse to such notions as amnesty, pardon, or prescription due to any statute of limitations, or any other provisions precluding responsibility, and measures intended to prevent criminal prosecution or annul the effects of a conviction.

660. In the 2023 follow-up report, the State reported that the prosecution of human rights violations committed during the dictatorship in Brazil was still limited by the Amnesty Law, which protected state agents involved in them from criminal punishment. Although the Federal Public Prosecutor's Office took steps to allow for the possibility of holding state agents criminally liable, the application of this law continued to represent an obstacle to justice. At that time, the Commission acknowledged the efforts undertaken by the Federal Public Prosecutor's Office, but it also underscored that the Amnesty Law prevented the State from complying with the recommendation and considered that it remained pending. The Commission urged the State to intensify justice efforts in line with inter-American standards.⁴⁶²

Information on compliance

661. In 2024, the State did not submit information on compliance with this recommendation.⁴⁶³

662. For their part, civil society organizations highlighted that the State had not taken the necessary measures to intensify justice efforts and that no progress was seen in the area of criminal liability for the serious violations of human rights committed during the dictatorship. In spite of the judgments passed by the Inter-American Court of Human Rights in *Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil* and *Herzog et al. v. Brazil*, no final convictions were issued. The denial of justice is allegedly structural and affects all three branches of government, which are supposed to exercise the control of conventionality. The Federal Public Prosecutor's Office has allegedly made attempts to fulfill this duty by submitting reports against dictatorship agents, but it has experienced setbacks, such as the elimination of working groups that specialize in transitional justice.⁴⁶⁴

663. The organizations also highlighted that, in the Brazilian justice system, judges have rarely admitted cases relating to violations of human rights committed in the context of the dictatorship and that, when they have, proceedings were halted or terminated by higher courts' decisions based on the statute of limitations and the Amnesty Law. As a result, no convictions have been issued and several cases have been closed, including the one against Sebastião Curió, who died in 2022 without facing punishment or revealing the truth about his actions. The position of the STF on the Amnesty Law, which has prevailed and obstructed justice, continues to be a major obstacle inasmuch as it is used as grounds to close complaints relating to serious violations and crimes against humanity.⁴⁶⁵

Analysis and level of compliance with the recommendation

664. Due to the lack of updated information from the State and considering the information provided by civil society organizations regarding the failure to punish those responsible for serious human rights violations committed during the dictatorship, compliance with the recommendation remains **pending**.

⁴⁶² IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 580–584.

⁴⁶³ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁶⁴ CEJIL, Response to the request for information questionnaire, November 4, 2024.

⁴⁶⁵ CEJIL, Response to the request for information questionnaire, November 4, 2024.

Measures and information to advance compliance with the recommendation

665. To steer the implementation of this recommendation, the Commission calls on the State to refrain from applying legal concepts that exempt perpetrators from liability and to intensify its justice efforts by seeking specific outcomes based on inter-American standards in terms of criminal responsibility for the serious violations committed during the dictatorship.

Recommendation No. 88. Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

666. In the 2023 follow-up report, the State failed to submit specific information on compliance. In this regard, the Commission reiterated that the recommendation was still pending and once again urged the State to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.⁴⁶⁶

Information on compliance

667. In 2024, the State again failed to report measures aimed at complying with this recommendation.⁴⁶⁷

Analysis and level of compliance with the recommendation

668. Based on the foregoing, compliance with this recommendation remains **pending**.

Measures and information to advance compliance with the recommendation

669. The Commission once again urges the State to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity.

Recommendation No. 89. Classify the crime of enforced disappearance, according to inter-American parameters.

670. In 2023, the State reported on the ratification of international conventions against forced disappearance and on the creation of the National Policy on the Search for Disappeared Persons in 2019, even though it did not expressly include forced disappearance. The State also referred to a bill that was under debate in Congress. The Commission acknowledged these efforts, but it noted that Brazil had not yet classified the crime of enforced disappearance appropriately in accordance with the inter-American standards. As a result, compliance with the recommendation was still **pending**.⁴⁶⁸

Information on compliance

671. In 2024, the State informed that Bill No. 6,240 of 2013, which is still being processed by the National Congress, proposes to classify enforced disappearance as a heinous crime. The bill is now ready to be evaluated by the Committee on the Constitution, Justice and Citizenship (CCJC) of the Chamber of Deputies. During its processing, the bill was amended and approved in permanent committees. The proposal responds to the demands for justice and memory for the crimes perpetrated during the military dictatorship (1964-1985) and strengthens state mechanisms for the defense of democracy and historical truth, in line with

⁴⁶⁶ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 586–588.

⁴⁶⁷ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁶⁸ IACHR, [2023 Annual Report, Chapter V, Brazil](#), paras. 590–593.

recommendation no. 19 of the final report of the CNV to improve legislation on crimes against humanity and forced disappearances.⁴⁶⁹

672. The State acknowledged the importance of aligning its domestic legislation with inter-American standards regarding the classification of enforced disappearance. It emphasized that, although the specific criminal classification of "enforced disappearance" is not included in the Penal Code, the country ratified the International Convention for the Protection of All Persons from Enforced Disappearance in 2016. Additionally, individuals involved in enforced disappearance are subject to charges such as kidnapping, unlawful imprisonment, concealment of a corpse, among others.⁴⁷⁰

673. For their part, civil society organizations pointed out that the need to classify the crime of enforced disappearance in Brazil was still an obstacle to justice, according to the Inter-American Court of Human Rights in *Gomes Lund et al. ("Guerrilha do Araguaia") v. Brazil*. Even though the Federal Public Prosecutor's Office was allegedly resorting to the crime of kidnapping due to the nonexistence of the crime of enforced disappearance, the lack of a specific classification prevents these cases from receiving adequate treatment and hinders the administration of justice. In addition, the classification is essential to avoid the repetition of these crimes, considering that enforced disappearances are still happening in the country, which would perpetuate impunity. Although bills on this issue have allegedly been processed in the past 10 years, none of them were approved and some contained errors: for example, some allowed for the application of the military jurisdiction or failed to establish the non-applicability of statutory limitations or sanctions that fit the seriousness of the crime, according to the United Nations Committee on Enforced Disappearances.⁴⁷¹

Analysis and level of compliance with the recommendation

674. The Commission once again warns the State of the importance of classifying the crime of enforced disappearance, given its seriousness and particular implications in the human rights context. Therefore, the Commission determines that compliance with the recommendation continues to be **partial**.

Measures and information to advance compliance with the recommendation

675. The Commission finds that, for the State to comply with the recommendation, the crime of forced disappearance must be properly classified in the country's domestic legal order, based on the inter-American standards.

III. SUMMARY TABLE OF THE LEVEL OF STATE COMPLIANCE WITH THE RECOMMENDATIONS

676. The following table shows the level of compliance of the State of Brazil with each of the recommendations made by the Commission in its February 2021 report on the situation of human rights in the country:

| Total No. | Topic of recommendation | Recommendation number | 2023 | 2024 |
|-----------|---|-----------------------|---------------------|---------------------|
| | | | Level of compliance | Level of compliance |
| 1 | The institutional underpinning of human rights | 1.a | Partial | Partial |
| 2 | | 1.b | Pending | Pending |
| 3 | | 1.c | Pending | Pending |

⁴⁶⁹ State of Brazil, Note No. 326 of October 22, 2024, Response to the request for information questionnaire.

⁴⁷⁰ State of Brazil, Note No. 30 of February 7, 2025. Comments on the draft report.

⁴⁷¹ CEJIL, Response to the request for information questionnaire, November 4, 2024.

| | | | | |
|----|--|-----|------------------------|------------------------|
| 4 | | 2.a | Pending | Pending |
| 5 | | 2.b | Pending | Pending |
| 6 | Economic, social and cultural rights | 3.a | Partial | Partial |
| 7 | | 3.b | Pending | Pending |
| 8 | | 3.c | Pending | Pending |
| 9 | | 4 | Partial | Partial |
| 10 | | 5 | Partial | Total |
| 11 | | 6 | Pending | Partial |
| 12 | Citizen security | 7.a | Pending | Pending |
| 13 | | 7.b | Pending | Pending |
| 14 | | 7.c | Pending | Pending |
| 15 | | 7.d | Pending | Pending |
| 16 | | 7.e | Pending | Pending |
| 17 | | 8 | Partial | Partial |
| 18 | | 9 | Pending | Pending |
| 19 | | 10 | Partial | Partial |
| 20 | | 11 | Pending | Partial |
| 21 | | 12 | Pending | Pending |
| 22 | Access to justice | 13 | Pending | Pending |
| 23 | | 14 | Pending | Pending |
| 24 | | 15 | Pending | Pending |
| 25 | | 16 | Pending | Pending |
| 26 | Persons of African descent | 17 | Partial | Substantial partial |
| 27 | | 18 | Substantial partial | Substantial partial |
| 28 | | 19 | Pending | Partial |
| 29 | Indigenous peoples and traditional and Quilombola communities | 20 | Partial | Substantial partial |
| 30 | | 21 | Partial | Substantial partial |
| 31 | | 22 | Pending | Pending |
| 32 | | 23 | Pending | Pending |
| 33 | | 24 | Partial | Substantial partial |
| 34 | | 25 | Pending | Pending |
| 35 | | 26 | Pending | Pending |
| 36 | | 27 | Partial | Partial |
| 37 | | 28 | Pending | Pending |
| 38 | | 29 | Pending | Pending |
| 39 | | 30 | Partial | Partial |

| | | | | |
|----|------------------------------------|----|---------------------|---------------------|
| 40 | | 31 | Pending | Pending |
| 41 | Women | 32 | Substantial partial | Substantial partial |
| 42 | | 33 | Partial | Partial |
| 43 | | 34 | Partial | Partial |
| 44 | | 35 | Partial | Partial |
| 45 | | 36 | Pending | Partial |
| 46 | | 37 | Partial | Partial |
| 47 | | 38 | Partial | Partial |
| 48 | | 39 | Partial | Partial |
| 49 | Children and adolescents | 40 | Pending | Pending |
| 50 | | 41 | Pending | Pending |
| 51 | | 42 | Partial | Partial |
| 52 | | 43 | Pending | Pending |
| 53 | | 44 | Partial | Substantial partial |
| 54 | LGBTI persons | 45 | Partial | Partial |
| 55 | | 46 | Partial | Partial |
| 56 | | 47 | Partial | Partial |
| 57 | | 48 | Partial | Partial |
| 58 | | 49 | Pending | Pending |
| 59 | | 50 | Partial | Substantial partial |
| 60 | Persons with disabilities | 51 | Partial | Total |
| 61 | | 52 | Partial | Substantial partial |
| 62 | | 53 | Partial | Substantial partial |
| 63 | | 54 | Partial | Partial |
| 64 | | 55 | Pending | Pending |
| 65 | | 56 | Partial | Partial |
| 66 | Persons deprived of liberty | 57 | Partial | Partial |
| 67 | | 58 | Partial | Partial |
| 68 | | 59 | Partial | Partial |
| 69 | | 60 | Pending | Pending |
| 70 | | 61 | Pending | Pending |
| 71 | | 62 | Pending | Pending |
| 72 | | 63 | Partial | Partial |
| 73 | | 64 | Partial | Partial |
| 74 | | 65 | Pending | Pending |
| 75 | Human rights defenders | 66 | Partial | Partial |
| 76 | | 67 | Pending | Pending |

| | | | | |
|----|---|----|---------------------|---------------------|
| 77 | | 68 | Pending | Pending |
| 78 | | 69 | Pending | Pending |
| 79 | | 70 | Pending | Partial |
| 80 | Human trafficking | 71 | Partial | Total |
| 81 | Forced internal displacement | 72 | Pending | Partial |
| 82 | | 73 | Pending | Pending |
| 83 | Human mobility, asylum and statelessness | 74 | Partial | Substantial partial |
| 84 | | 75 | Partial | Partial |
| 85 | | 76 | Substantial partial | Substantial partial |
| 86 | | 77 | Partial | Partial |
| 87 | | 78 | Partial | Substantial partial |
| 88 | | 79 | Partial | Substantial partial |
| 89 | | 80 | Partial | Substantial partial |
| 90 | | 81 | Substantial partial | Total |
| 91 | | 82 | Pending | Partial |
| 92 | | 83 | Partial | Partial |
| 93 | Memory, truth and justice | 84 | Partial | Partial |
| 94 | | 85 | Partial | Partial |
| 95 | | 86 | Pending | Pending |
| 96 | | 87 | Pending | Pending |
| 97 | | 88 | Pending | Pending |
| 98 | | 89 | Partial | Partial |

677. Out of the total 98 recommendations, 33 remain pending compliance (33%), 43 are partially fulfilled (43%), 15 have substantial partial compliance (15%), and 7 (7%) are fully implemented.

IV. CONCLUSIONS

678. The Commission commends the State of Brazil for the many important steps it has taken to comply with the recommendations on human rights. In particular, in 2024, four recommendations progressed to full compliance, which reflects the considerable efforts undertaken by the State of Brazil to comply with its obligations relating to human rights. These recommendations include the development of systems for the collection of accurate and disaggregated data, such as the ObservaDH platform, which provides detailed information on the situation of human rights of vulnerable groups. This system, with over 500 indicators and multiple sources of data, helps to create public policies that are more tailored to the needs of vulnerable groups. However, important challenges persist, which limit effective compliance with the recommendations in many aspects.

679. With regard to violence against women, the Commission applauds the State's efforts to combat gender-based violence, by implementing programs such as the National Femicide Prevention Pact and the Mulher, Viver sem Violência program, which are allocated significant funding. The creation of Brazilian

Women's Houses CMBs and CRMBs, which offer comprehensive services to women victims of violence, represent important steps towards the protection and empowerment of women. Notwithstanding that, civil society organizations have pointed out that these measures still fail to fully address the multiple intersectional factors that affect Afro-descendant, indigenous, disabled, trans and lesbian women, and that they do not eliminate the systemic barriers that these groups continue to face. In addition, there is concern as to the predominantly punitive approach of these policies, which neither gets to the structural root of gender-based violence nor offers enough prevention.

680. As to the rights of persons with disabilities, significant progress was achieved in 2024 towards their inclusion in social programs and access to basic services. The expansion of the Benefício de Prestação Continuada program and the strengthening of the PROCAD-SUAS have increased coverage and assistance for persons with disabilities facing a situation of economic vulnerability. Nonetheless, the Commission notes that persons with disabilities still face obstacles to access health, education and employment and therefore a wider implementation of measures and continuous awareness are required to reduce stigmatization and exclusionary practices.

681. As regards indigenous peoples, while the creation of the MPI and the increase in its budget represent important steps, structural challenges to the protection of their territorial and cultural rights continue to exist. The threats to their ancestral lands, the illegal exploitation of their resources and the violence against indigenous leaders demonstrate a lack of effective protection of their rights. The Commission reiterates the importance of implementing measures to protect their territories and of ensuring their right to prior, free and informed consultation in every decision that affects them.

682. The Commission also welcomes the expansion of social assistance programs, such as Bolsa Família and Minha Casa, Minha Vida, which prioritize the most vulnerable groups, including women, persons of African descent and indigenous communities, in an attempt to reduce structural inequality. Notwithstanding that, challenges persist to the implementation of a fiscal policy that effectively reduces socioeconomic inequality gaps and that addresses labor market limitations to achieve a fair distribution of wealth.

683. The Commission also identifies significant challenges in the field of memory, truth and justice. Despite the efforts of the truth commissions at the federal and state level, high levels of impunity continue to exist in relation to torture cases, forced disappearances and other serious human rights violations committed during the military dictatorship. The Commission urges the State to achieve progress in the implementation of transitional justice measures through effective investigation and appropriate punishment, as well as to promote education on and awareness about these issues to avoid the repetition of said crimes.

684. Finally, it is noteworthy for the Commission that structural racism continues to pose a serious challenge in Brazil. Despite the State's efforts to fight racial discrimination by strengthening the MIR, implementing affirmative policies and training judicial operators, racial profiling practices persist within the police and the judiciary. Data shows that persons of African descent are disproportionately affected by police violence and face bigger obstacles to access justice. For that reason, the Commission calls on the State to intensify its efforts to eradicate these discriminatory practices, especially from police and judicial protocols, and to develop policies that effectively promote racial equality.

685. In conclusion, the Commission acknowledges that the State has shown progress in the development and expansion of policies aimed at protecting and promoting human rights. However, structural challenges continue to exist, calling for a more effective and inclusive implementation of said policies, with an intersectional and human rights approach that responds to the specific characteristics of each vulnerable group. The Commission once again urges the State to continue stepping up its efforts to defend human rights and to ensure that any measures implemented are able to reduce inequality and fight discriminatory practices that are still present in Brazilian society. In view of the foregoing, the Commission considers that the level of compliance with the report remains **partial**.

PARTIALLY DISSENTING OPINION OF COMMISSIONER CARLOS BERNAL PULIDO ON CHAPTER V (BRAZIL) OF THE 2024 ANNUAL REPORT

With the customary respect for my colleagues and in accordance with Article 19.1 of the Rules of Procedure of the Inter-American Commission on Human Rights (“the Commission” or “the IACHR”), I submit a partially dissenting opinion on certain points raised by the majority of the plenary of the Commission in Chapter V corresponding to the State of Brazil (“the Chapter” or “Chapter V (Brazil)”) of the 2024 Annual Report on the Development of Human Rights in the Region, Overview of the Human Rights Situation by Country (the “Report” or the “Annual Report”).

This follow-up chapter on the situation in Brazil contains information and considerations that are crucial for making progress in ensuring human rights in the State and the region. Notwithstanding the foregoing, in this reasoned opinion I will state that Chapter V: (i) contains considerations that pose a risk to pregnant persons and disregard integral needs of women and (ii) is imprecise in relation to the rights of LGBTI persons.

1. Chapter IV. A contains considerations that pose a risk to pregnant women and ignore the integral needs of women

Next, I will address the following issues: (i) the non-existence of the right to abortion and the margin of state configuration; (ii) the deficit of protection for the unborn.

1.1. Non-existence of the right to abortion and the state’s margin of configuration

Paragraphs 344 *et seq.* of Chapter V (Brazil) reference the need to ensure access to abortion. In addition, the report provides an analysis of access to the procedure in cases where rape has occurred.

In that regard, first, I should emphasize that although the IACHR does not affirm the existence of a “right to abortion,” nor does it clarify its non-existence in international law. In this regard, there are no binding sources in international law -and especially in the American Convention or other treaties that make up the Inter-American System- that contemplate (i) the so-called right to abortion or (ii) a correlative obligation for States to provide abortion services. Under this framework, the States have a wide margin of configuration - by virtue of the principles of subsidiarity or complementarity and representative democracy - to take measures to protect prenatal life - which is protected by the American Convention⁴⁷² - including, although it is not the only means, the use of criminal law.

In his partially dissenting opinion to the judgment in the case of *Manuela et al. v. El Salvador*, former IACHR Court Judge Eduardo Vio Grossi stated that there is no right to abortion:

“And in this regard it is indisputable that, (...) there is no inter-American or international legal norm, whether conventional, international custom or general principle of law, that recognizes abortion as a right. There are only resolutions of international bodies, most of which are made up of international officials and not representatives of States, decisions which, in addition to not being binding, are not interpretative of current international law but rather reflect aspirations for it to change in the direction they suggest”.⁴⁷³

Now, I emphasize that this margin of configuration derived from the non-existence of a right to abortion and the convergence of rights in tension acquires greater amplitude thanks to the competence that falls to the States to define punishable conducts and their consequences, and to the automatic referral that, according to the

⁴⁷² ACHR. Article 4.

⁴⁷³ Partially Dissenting Opinion of Judge Eduardo Vio Grossi, *Inter-American Court of Human Rights, Case of Manuela et al. v. El Salvador*, Judgment of November 2, 2021 (Preliminary Objections, Merits, Reparations and Costs), para. 13.

IACHR Court, Article 7.2 of the American Convention makes to domestic law for the area of deprivation of liberty (principle of reservation of law).⁴⁷⁴

This is relevant if one takes into account that, from a systematic reading of Articles 31, 76 and 77 of the American Convention, only through consensus—expressed by the States through the signature and ratification of amendments or treaties—can additional international obligations arise in addition to those already contemplated in the ACHR. In the absence of such a consensus on abortion, it is therefore impossible to consider that there is a obligation for states to recognize a “right to abortion.”

In that regard, in view of the State’s assertions regarding the existence of a “right to abortion,” it was essential that the IACHR clarify in its report what international law provides on the matter.

Regarding the Secretariat’s statement in relation to the response to my initial comments on this chapter that “just as it has not been established either conventionally or jurisprudentially that there is a ‘right to abortion,’ there is no conventional basis or jurisprudence that states that abortion is a violation of the right to life of the fetus,” I consider it essential to clarify that abortion is not a right and, therefore, that States have no benefit obligations under international law where abortion is concerned. On the other hand, I clarify that it is rare for a conventional source to explicitly define the specific situations in which the recognized rights are violated. However, what is clearly established in the conventional sphere is that the right to life is protected from conception (Art. 4.1 ACHR), which implies that this right can be violated by conduct that results in an arbitrary deprivation of life, as could be the case of abortion.

Likewise, following the logic of the Secretariat’s statement, it is true that the Inter-American Court of Human Rights has not analyzed any specific case in which the violation of the right to life of a fetus has been alleged. However, it is relevant to note that it did hear the case of *Beatriz v. El Salvador* in which the alleged existence of a “right to abortion” was alleged, and at no time did the Court recognize the existence of such a right.⁴⁷⁵ This is further evidence of the non-existence of a binding legal source giving rise to a supposed right to abortion.

Furthermore, in the *Artavia Murillo* judgment, the Inter-American Court determined that “the protection of the right to life is not absolute, but gradual and incremental as the development of the fetus progresses”. This implies that, without prejudice to the concepts of graduality and incrementality (from which I completely separate myself), the Court has already established that persons in gestation must be protected by the State in their “right to life”. In a similar sense, in the judgment of the *Cuscul Pivaral* case⁴⁷⁶, the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

Therefore, I insist that any analysis related to this issue must start from a strict respect for the conventional framework, considering that the right to life is a right recognized from conception and on the contrary, there is no “right to abortion” in international law.

2. Deficit of protection for the unborn in the Report

Secondly, I emphasize that the references to abortion in the Report ignore the other person whose right to life is also conventionally protected: the unborn person. Thus, the necessary weighting that must exist between the

⁴⁷⁴ I/A Court H.R., Case of Romero Feris v. Argentina, Merits, Reparations and Costs, Judgment of October 15, 2019, Series C No. 391, para. 77.

⁴⁷⁵ I/A Court H.R., Case of Beatriz et al. v. El Salvador, Merits, Reparations and Costs, Judgment of November 22, 2024, Series C No. 549.

⁴⁷⁶ I/A Court H.R., Case of Cuscul Pivaral v. Guatemala. Case of Cuscul Pivaral v. Guatemala. Judgment of August 23, 2018. “On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child”

rights in tension of all internationally protected persons is ignored. In this regard, it is emphasized that unborn persons are also subjects of law and holders of the right to life. A pronouncement on abortion always implies a position on a practice that necessarily implies the termination of the life of a dignified human being and that Article 4 of the ACHR protects, so it is necessary to expressly recognize the rights of the unborn person as part of the weighing required in any case of abortion.

In this regard, Article 1.2 of the ACHR clearly establishes that, for the purposes of the Convention, a “person” is every human being.⁴⁷⁷ Thus, in light of the Convention, human rights are not only recognized for persons who have already been born, but all individuals must be protected from their conception, understanding them as human beings. Moreover, the IACHR Court itself in its advisory opinion 22 indicated that, without being a matter open to interpretation, the term person is equivalent to the term human being for the purposes of the ACHR.⁴⁷⁸

In view of this, there is no doubt that the unborn person is a human being.⁴⁷⁹ Even the Universal Declaration on the Human Genome and Human Rights states that “the human genome is the basis of the fundamental unity of all members of the human family and of the recognition of their inherent dignity and diversity. In a symbolic sense, the human genome is the heritage of humanity”.⁴⁸⁰

The consequence of recognizing the unborn, as a person, as a human being is that he or she becomes a holder of rights. Thus, the ACHR establishes in the articles that develop rights the formula “Every person (...)”⁴⁸¹ Likewise, the instruments for the protection of human rights generally recognize the ownership of rights by members of the human species, especially the right to life⁴⁸².

As I have already mentioned, it is clear, even from the *Artavia Murillo* ruling, that the right to life of unborn children must be protected. In a similar sense, in the judgment of the *Cuscul Pivaral case*,⁴⁸³ the IACHR Court applied the ACHR to a person in gestation and also applied Article 19 of the ACHR, thus recognizing the legal status of a child to the person in gestation.

I emphasize that the preamble of the Convention on the Rights of the Child states that the child needs protection and care both before and after birth.⁴⁸⁴ This implies that, in light of the CRC, the unborn person is a child who requires special care. This was reiterated in the preparatory work for the International Covenant on Civil and Political Rights.⁴⁸⁵

In fact, the report provides an analysis of access to the procedure in cases where rape has occurred. In that regard, of course, I wholeheartedly share the concern expressed in the report about cases of sexual violence and the consequences of such acts, especially for women, and I emphasize that States have the duty to prevent,

⁴⁷⁷ ACHR. Art. 1.2 “For the purposes of this Convention, a person is every human being”.

⁴⁷⁸ I/A Court H.R., OC-22/16. Ownership of rights of legal persons in the Inter-American Human Rights System. Advisory Opinion of February 26, 2016. Series A. No. 22, para. 48.

⁴⁷⁹ Kaluger, G., and Kaluger, M., *Human Development: The Span of Life*, The C.V. Mosby Co., St. Louis, MO. St. Louis, 1974, page 28-29.

⁴⁸⁰ Universal Declaration on the Human Genome and Human Rights. Article 1.

⁴⁸¹ American Convention on Human Rights. Articles 4, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18, 20, 21, 22, 24, and 25.

⁴⁸² International Covenant on Civil and Political Rights. Preamble, inc. 3; American Convention on Human Rights, inc. 3. Preamble; African Charter on Human Rights. Preamble, inc. 6; Geneva Declaration on the Rights of the Child. Preamble, inc. 1; American Declaration of the International Rights and Duties of Man. Art. 1; Universal Declaration of Human Rights. Preamble, inc. 1; Declaration of the Rights of the Child. Preamble, inc. 2; European Convention on Human Rights. Preamble, inc. 2.

⁴⁸³ I/A Court H.R., *Case of Cuscul Pivaral v. Guatemala*. Judgment of August 23, 2018. “On the other hand, the Court has pointed out that extreme poverty and the lack of adequate medical care for pregnant or post-pregnant women are causes of high maternal mortality and morbidity, so the States must provide adequate health policies that allow to offer assistance with adequately trained personnel for the care of births, policies to prevent maternal mortality through adequate pre-natal and post-partum controls, and legal and administrative instruments in health policies that allow to adequately document cases of maternal mortality. Likewise, the Court has recognized that, by virtue of Article 19 of the Convention, the State must assume a special position of guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child”

⁴⁸⁴ Convention on the Rights of the Child. Preamble.

⁴⁸⁵ “The main reason for providing in paragraph 4 [now Article 6(5)] of the original text that the death penalty should not be applied to pregnant women was to save the innocent life of the unborn child.” United Nations. General Assembly. Report of the Third Committee on the Draft International Covenants on Human Rights. A/3764. P. 40.

investigate, prosecute, and punish sexual violence with full force. Notwithstanding the foregoing, in cases of pregnancies that are the result of an act of sexual violence, the rights of the woman, on the one hand, and the right to life of the unborn child, on the other, must be considered. That balance, which recognizes all the people involved in the matter, is not evident in the draft report.

3. Inaccuracies in relation to the rights of LGBTI persons

In relation to this, below, I will refer to: (i) the non-existence of a right to gender identity; (ii) the misplaced approach to the right to religious freedom and the right of parents to choose the education of their children; and (iii) the lack of basis for the State's duty to adopt specific benefit measures.

3.1. Non-existence of the right to gender identity

The concept of "gender identity" is included as a right throughout the draft report. In this regard, I reiterate that the American Convention does not expressly recognize a right to gender identity, nor is there a binding instrument in the inter-American system that establishes an obligation to adapt identification documents to gender identity.

As I have indicated, recognizing new rights that are not in the Convention through an interpretation that does not follow the procedures established in the Convention itself would undermine Articles 31, 76 and 77, ignoring the original will of the States that ratified the Convention.

Therefore, any pronouncement in which one of the organs of the ISHR applies a right that is not established in the binding instruments of international law that govern its activity will be an act that will violate the literal meaning of the American Convention and will exceed the scope of the competences of the IACHR or the Court, as the case may be. Such an irregular constitutive act would also undermine the principles of good faith and *pacta sunt servanda*.⁴⁸⁶

However, the fact that there is no "right to gender identity" does not mean that "gender identity" cannot be considered a suspect category in relation to the right to equality. However, this does not imply the creation of a new stand-alone right, since its analysis must be placed within the framework of a conventionally recognized right, i.e., that of equality. Likewise, even when a State recognizes the need to protect gender identity, that does not necessarily imply its recognition as an independent right within the framework of the inter-American human rights system.

On the other hand, although I am not unaware that OC-24/17 affirmed the existence of the so-called "right to gender identity", I emphasize, as I have done on other occasions, that the Advisory Opinions of the IACHR Court do not have the capacity to contemplate rights or obligations other than those expressly contemplated by the American Convention.⁴⁸⁷

In this regard, in the first place, Article 68 of the Convention is clear in that the States are obliged to comply with the decisions rendered by the Court "in any case to which they are parties". This provision is of great relevance in that (i) it is the only one that refers to the legal value of the Court's pronouncements and (ii) it circumscribes the binding nature expressly for the States parties to a case, thus limiting the addressee of the obligations -the State party to a case- and the context in which the pronouncement is issued -that is, the contentious one-. This position has also been sustained by some sectors of the doctrine, also based on the principle of consent of the States as the basis of conventional law.⁴⁸⁸

⁴⁸⁶ Vienna Convention on the Law of Treaties. Article 26.

⁴⁸⁷ I/A Court H.R., Gender identity, and equality and non-discrimination of same-sex couples. State obligations in relation to the change of name, gender identity, and rights derived from a bond between same-sex couples (interpretation and scope of Articles 1(1), 3, 7, 11(2), 13, 17, 18 and 24, in relation to Article 1 of the American Convention on Human Rights). Advisory Opinion OC-24/17 of November 24, 2017. Series A No. 24.

⁴⁸⁸ Systematization of the criticisms in: González Domínguez, P. (2017) The doctrine of conventionality control in light of the principle of subsidiarity. *Constitutional Studies*, 15(1), 55-98.

Secondly, specifically regarding OC-24/17, it is appropriate to take into consideration Article 64 of the ACHR, which circumscribes the competence of the Court to issue advisory opinions regarding the Convention or treaties of the Inter-American System. Thus, given that OC-24/17 establishes alleged rights not contemplated in the ACHR, nor in any other treaty of the IAHRs, its binding nature is even more questionable.

Thirdly, to derive obligations or so-called rights not contemplated in the Convention, based exclusively on an advisory opinion, would be contrary to the principle of *pacta sunt servanda* that governs international treaty law, by virtue of which States are only bound to comply with that to which they have expressed their consent.⁴⁸⁹

Fourth, although the Inter-American Court has affirmed that advisory opinions are parameters of conventionality control,⁴⁹⁰ I emphasize that an open and transparent inter-American dialogue is still necessary to further discuss this position, which is not expressly derived from the American Convention, nor from any other international instrument binding on the States. I call attention to the fact that there is still no consensus on the matter, neither in the States of the region nor in the academy; hence, important constitutional courts still refrain from invoking the figure of conventionality control and from incorporating advisory opinions as a parameter.⁴⁹¹

Finally, I note that some authors have indicated that the extension of the effects of the advisory opinions could contribute to distort the functioning of the Inter-American System and, thus, weaken it, since (i) it results in equating the decisions issued in the advisory function of the Court with the text of the convention itself,⁴⁹² and (ii) blurs the differences between the jurisdictional and advisory functions of the Court. Some have even indicated that these interpretations of the Court generate legal uncertainty, since there is no certainty as to the effects with which the advisory opinions are issued.⁴⁹³

In conclusion, it is technically unsound and contrary to the American Convention to assert that there is a “right to gender identity.”

1.1. Misplaced approach to the right to religious freedom and the right of parents to choose the education of their children

Paragraph 382 of the Chapter states that the majority “is concerned that there are almost a hundred laws in various areas that, with the justification of protecting rights, violate the rights of transvestites and transsexuals in the country.” This statement, read in relation to paragraph 367, refers to laws that limit the use of neutral language and protection of religious freedom in schools in some Brazilian states.

This statement in the draft report is troubling, primarily because it seems to imply that the protection of religious freedom is a “justification” for the violation of rights. This statement trivializes and jeopardizes the religious freedom of individuals in the region.

This is not to ignore the fact that, as with any right, tensions can exist between the right to religious freedom and other basic guarantees. However, the matter should be analyzed on a case-by-case basis according to criteria of proportionality in conflicts arising between the exercise of religious freedom and other **rights**.⁴⁹⁴

⁴⁸⁹ Vienna Convention on the Law of Treaties.

⁴⁹⁰ I/A Court H.R., Rights and guarantees of children in the context of migration and/or in need of international protection. Advisory Opinion OC-21/14 of August 19, 2014. Series A No. 21, para. 31.

⁴⁹¹ Ramirez, F. G. (2023) A critical look at conventionality control. *Revista de Derecho y Ciencias Sociales*, (28), 101-142; Palacios, D. L. (2017) Inter-American conventionality control in domestic venue: a notion still under construction. *Revista Direito e Práxis*, 8, 1389-1418.

⁴⁹² Colombo, I. (2022) A critical analysis of the doctrine of conventionality control. *Omnia. Law and Society*, 5 (1), pp. 83-116.

⁴⁹³ Colombo, I. (2022) A critical analysis of the doctrine of conventionality control. *Omnia. Law and Society*, 5 (1), pp. 83-116.

⁴⁹⁴ I/A Court H.R., Jurisprudence Bulletin No. 26, Restriction and suspension of human rights.

Thus, an interpretation that consider religious freedom as a “justification” for the violation of rights, without taking into account the peculiarities of the cases, (i) would imply consolidating a hierarchical vision of rights, which is far removed from the foundations of international human rights law; (ii) would completely depart from the logic of weighing rights; and (iii) would represent, consequently, a very serious attack on one of the most important guarantees of every individual in the domestic jurisdiction.

Secondly, with these considerations, the majority of the IACHR overlooks that Article 12(4) of the ACHR establishes the guarantee that parents have the right to choose the religious and moral education (including sexual education) of their children that is in accord with their own convictions. Thus, limiting the use of certain language may be a legitimate expression of the parents’ choice regarding their children’s moral education.

This same guarantee has been provided for in the International Covenant on Civil and Political Rights⁴⁹⁵, the International Covenant on Economic, Social and Cultural Rights⁴⁹⁶, the Convention on the Rights of the Child⁴⁹⁷ and the Additional Protocol to the European Convention on Human Rights⁴⁹⁸. According to the ECtHR, the **right of parents to choose their children’s education, including sex education**, is an aspect of the right to respect for private and family life protected by the ECHR.⁴⁹⁹

In this regard, there is a consensus on the existence and recognition of this right of parents. The Inter-American Commission has understood that the right of parents to choose the education of their children (i) must be interpreted in conjunction with the rights of children and adolescents, especially the right to education⁵⁰⁰ and (ii) must respect the provisions of the Inter-American instruments that establish that education must be oriented to train children to respect human rights, public freedoms and tolerance⁵⁰¹.

Of course I agree with these criteria, however, it cannot be omitted that: (i) all types of education must be respectful of the best interests of children as a guiding principle, and (ii) the right of parents to choose the education of their children is derived from the right to education of children itself; therefore, there is a false dilemma in considering that both rights are incompatible.

Thus, the ECtHR, in its interpretation of Article 2 of Protocol No. 1, has stated that,⁵⁰² it is on the fundamental right to education that the right of parents to respect for their philosophical and religious convictions is based. According to the European Court of Human Rights, although the ownership of this right rests with the parents, it also rests with the children, who have the right to education and teaching.⁵⁰³

Undoubtedly, this right has an impact on the sexual education of children and adolescents since sexual education, like any other type of education, must be framed within the scope of protection of conventional law, recognized by international human rights law, which grants parents the right to choose the education of their children, in accordance with Article 12.4 of the Convention.

1.2. Lack of basis for the State’s duty to adopt specific benefit measures

Paragraph 399 states that the majority “values the implementation of quotas for trans persons in public universities, as well as for public competitions. Despite considering positive measures in the sense of the implementation of the recommendation, the IACHR considers that such measures are still not sufficient to guarantee a cultural change through education regarding the rights of LGBTQIA+ persons.”

⁴⁹⁵ Article 18.4.

⁴⁹⁶ Article 13.3.

⁴⁹⁷ Article 14.2.

⁴⁹⁸ Article 2.

⁴⁹⁹ ECtHR, Kjeldsen, Busk Madsen and Pedersen, para. 53; Dojan et al, cited above, paras. 78-83.

⁵⁰⁰ Freedom of Religion and Belief Study - Inter-American Standards.

⁵⁰¹ Freedom of Religion and Belief Study - Inter-American Standards.

⁵⁰² The general principles enunciated by the ECtHR are mainly derived from the judgments Kjeldsen, Busk Madsen and Pedersen v. Denmark (ECtHR 1976/5); Campbell and Cosans v. United Kingdom (ECtHR 1982/1); Valsamis v. Greece (ECtHR 1996, 70) and Folgero et al. v. Norway (ECtHR 2007/53).

⁵⁰³ Case of Kjeldsen, Busk Madsen and Pedersen v. Denmark. Denmark (ECHR 1976/5 of 7 December, nr. 52).

This and other paragraphs in the report seem to imply that the State should adopt specific benefit measures in relation to people that identify as transgender. However, neither in the Report, nor in the information submitted by the State are there any elements from which to conclude that such measures, including “quotas” in public universities, are duly justified, much less necessary to meet the State’s human rights obligations. It is important to emphasize that the justification of benefit measures must be supported by solid, rigorous technical studies that demonstrate their propriety, effectiveness, and proportionality.

In this context, I reiterate my call for the IACHR to incorporate in its report statements that have a robust academic and technical basis, and avoid statements that lack rigor and proper grounds. In that respect, the Strategic Plan establishes transparency as an institutional value, and therefore the IACHR should account for its decisions and work.⁵⁰⁴ That institutional value should inform in a crosscutting manner each of the Commission’s processes and its realization is subject, *inter alia*, to the existence of support for any statements issued.

I reiterate that it is necessary for the Commission to adopt a rigorous and methodologically sound approach in all its pronouncements. Methodological rigor, as has been doctrinally sustained, involves adopting parameters and measures to ensure the credibility, authenticity, trustworthiness, and integrity of certain findings.⁵⁰⁵ In that regard, I should emphasize that in social sciences, a high-quality study that is rigorous stands apart from a substandard one.⁵⁰⁶

Rigor is all the more important when the information put forward has the potential to shape policies, strategies, and measures to be pursued in addressing certain phenomena. Within this framework, such conceptual power must be regulated in some way, so that judgments made on the basis of that knowledge are legitimate and consistent with the sources from which they arose.⁵⁰⁷ This is because research without rigor becomes the unauthorized voice of a knowledge that becomes uncertain.⁵⁰⁸

The foregoing is even more relevant if the principle of providing grounds is taken into account. Providing proper grounds is the “the exteriorization of the reasoned justification that allows a conclusion to be reached.”⁵⁰⁹ All bodies that adopt decisions with the potential to affect human rights must duly substantiate those decisions lest they become arbitrary.⁵¹⁰

⁵⁰⁴ IACHR, Strategic Plan 2023–2027.

⁵⁰⁵ Castillo, Edelmira; Vásquez, Martha Lucía El rigor metodológico en la investigación cualitativa, Colombia Médica, vol. 34, No. 3, 2003, pp. 164-167, Universidad del Valle, Cali, Colombia.

⁵⁰⁶ CORNEJO, Marcela and SALAS, Natalia, Rigor y Calidad Metodológicos: Un Reto a la Investigación Social Cualitativa. *Psicoperspectivas* [online], 2011, vol.10, n.2 [citado 2024-07-02], pp.12-34. Available at http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-69242011000200002&lng=es&nrm=iso. ISSN 0718-6924. <http://dx.doi.org/10.5027/psicoperspectivas-Vol10-Issue2-fulltext-144>.

⁵⁰⁷ *Ibid.*

⁵⁰⁸ *Ibid.*

⁵⁰⁹ *I/A Court H.R.*, Case of Apitz-Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182. paras. 77-78.

⁵¹⁰ *I/A Court H.R.*, Case of Apitz-Barbera et al. (“First Court of Administrative Disputes”) v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment of August 5, 2008, Series C No. 182. paras. 77-78. *I/A Court H.R.*, Case of Tristán Donoso v. Panama, Preliminary Objection, Merits, Reparations and Costs, Judgment of January 27, 2009, Series C No. 193. paras. 152-154.