



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/85/L/BRA
25 July 2005

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration
of the second periodic report of BRAZIL (CCPR/C/BRA/2004/2)**

Right to self-determination (art. 1)

1. Please provide recent examples of consultations with indigenous communities on the use of land affecting them (paragraph 14 of the report). How is the State party ensuring their right to freely pursue their economic, social and cultural development?

Right to a legal remedy for the violation of Covenant rights (art. 2)

2. In how many low-income communities has the Government installed Legal Desks (para. 25), and have they improved access to justice for disadvantaged groups? Please provide information on progress made in judicial reform, and in particular the proposal to federalize human rights crimes (para. 24).

**Constitutional and legal framework within which
the Covenant is implemented (art. 2)**

3. Please provide further information on the role of National Human Rights Programmes and the Special Secretariat for Human Rights (para. 4) in implementing Covenant rights. In addition, how will the application of the State party's international human rights obligations be enhanced through human rights programmes and institutions at state level?

4. Has the State party considered the creation of a mechanism to address questions remaining from the period of military dictatorship, such as a truth and reconciliation commission?

**Principle of non-discrimination, gender equality and protection
of national minorities (arts. 2, 3, 26 and 27)**

5. Please provide detailed information on the law establishing a goal for increasing the number of women candidates in political elections (para. 4) and its operation. Why has there apparently been a decrease in the percentage of women elected to legislative and executive posts (para. 36)? What measures has the State party taken to remove remaining obstacles to the adequate representation of women?
6. To what extent has the creation of specialized police units to address the problems of abused women succeeded in raising the number of abuse complaints made to the police (para. 31)? Please provide information on the number of prosecutions and convictions in cases of domestic violence. What measures is the State party taking to sensitize public officials to the issue of domestic violence?
7. What measures is the State party taking to ensure that women enjoy equal pay for equal work (para. 26)? Please comment on reports that women generally earn significantly less than men for work of equal value.
8. Please elaborate on the “National Policy for the Promotion of Racial Equality” (para. 340) and the targets set to reduce the education gap of the black and indigenous populations (para. 336).
9. Please elaborate on the “Brazil without Homophobia” programme (para. 131) and explain action taken at the level of the States in response to reported cases of discrimination based on sexual orientation and acts of violence against affected groups.
10. Please explain and elaborate on the proposal to regulate the “capacity” of indigenous populations (para. 243), and comment on its compatibility with the Covenant. Please also explain and elaborate on any proposal to implement such legislation.
11. According to information before the Committee, forced evictions of indigenous populations from their land continue to occur. What actions has the State party initiated to prevent these evictions, to ensure access to legal remedies in order to reverse these evictions, and to compensate the affected populations for the loss of their residence and basis for subsistence? How are such evictions to be remedied legally or politically insofar as they interfere with the rights guaranteed under article 27?

**Right to life, and prohibition of torture and cruel, inhuman
or degrading treatment (arts. 6 and 7)**

12. Please explain the increase in the number of deaths caused by police action, as reported in some states (para. 74). Since the “law of silence” impedes investigating and prosecuting cases of police violence (para. 76), what action has been taken to tackle this phenomenon, inter alia by creating witness protection programmes and special police inspection units?

13. According to information presented to the Committee, extrajudicial executions committed by members of the police force are often disguised as lawful actions and forensic institutions lack the independence and resources for proper investigations, which prevents prosecution of those responsible. Please comment on and provide information about the resources of Forensic Medical Institutes and their independence.

14. Please account for the recent increase in the number of violent deaths of rural leaders (para. 127), and provide information on prosecutions and convictions of those accused of these crimes.

15. What practical steps has the State party taken to educate police officers about their human rights obligations, in light of the persistence of a high incidence of ill-treatment by police officers of detainees and suspects (paras. 144 and 306)?

Prohibition of slavery or forced or compulsory labour (art. 8)

16. According to information before the Committee, forced labour persists in some regions, affecting alarming numbers of persons. Please indicate what steps have been taken, in law and in practice, to eradicate all forms of forced labour, and provide details of recent cases in which landowners have been prosecuted and convicted (para. 165). Please provide updated figures (para. 151) and comment on reports of the involvement of politicians and judges among those responsible.

17. Please elaborate on the aims, strategies and results of programmes addressing the sexual exploitation of children (paras. 106 and 108) and provide information on cases investigated and their outcome. Please also provide information about the claimed reduction in the number of trafficking victims (para. 116), considering that there are a large number of routes through which women and minors are trafficked for commercial sexual exploitation in Brazil. Please give detailed information on the investigation and prosecution of trafficking of women and minors.

Liberty and security of the person; treatment of prisoners (arts. 9 and 10)

18. Please elaborate on the plan of action addressing inadequate prison conditions and inadequate prison capacity, including criteria for the allocation of funds to state prisons (paras. 78 and 79). To what extent have prison conditions and capacity improved? Please provide examples. Please comment on the plan to establish guidelines for prison management in line with the Covenant (para. 184).

19. Is the State party envisaging any measures to simplify and accelerate procedures on prisoner release, and compensation for arbitrary prolonged confinement (para. 179)? What accounts for the extraordinary phenomenon of arbitrary prolonged confinement? In how many cases has compensation been granted, and in what form? Please provide statistics, disaggregated by gender, age, race and ethnic origin and type of crime committed, about detainees who were victims of arbitrary prolongation of their prison sentence (para. 178).

20. Please elaborate on the availability and effectiveness of complaint mechanisms for any abuses committed against detainees in prisons, jails and other forms of custody.

Right to a fair trial (art. 14)

21. What steps has the State party taken to transfer jurisdiction from military to civilian courts for human rights violations committed by police officers? In the transfer of jurisdiction over “intentional crimes against human life” to civilian courts by Law No. 9299 (para. 77), how can one assure impartial investigation as to the “intentional” nature of the crime?

22. Corruption has been reported to permeate all branches of the judiciary and the law enforcement system, contributing to impunity for serious crimes and human rights violations. What measures is the State party taking to enforce transparency, impartiality and accountability throughout its public institutions, especially regarding the judiciary and its independence? Please provide information on numbers of prosecutions and convictions in cases of corruption and the sentences pronounced.

Rights to freedom of expression, assembly and association (arts. 19 and 21)

23. Is there a policy to protect human rights defenders, rural leaders and trade union leaders? How does the Government envisage improving their freedoms of expression, assembly and association? What results has the “Peace in the Countryside Programme” (para. 129) produced?

Protection of women and children (arts. 23 and 24)

24. Please account for the disproportionate rate of infant mortality among black children, due apparently to conditions of severe poverty (para. 71). What actions has the State party taken or envisaged to reduce the exposure of children of vulnerable groups to dire conditions? What recent initiatives has the State party taken with regard to the situation of children living in the street (para. 82)? What objective measures of progress are available?

Right to participate in public life (art. 25)

25. Please provide data, disaggregated by gender, age, race and ethnic origin and state, about the incidence and role of illiteracy in barring persons from holding public office (para. 312). What percentage of the illiterate population makes use of voluntary voter registration (para. 311)?

Dissemination of information relating to the Covenant (art. 2)

26. Please provide detailed information on human rights training for public officials, including all law enforcement officers (paras. 144 and 306) and members of the judiciary, as well as on programmes to promote general public awareness of human rights. Please comment on efforts to support the public’s awareness of the Covenants and their rights. Please describe the steps taken to disseminate information to the public and to NGOs on the submission of the State party’s report, on its consideration by the Committee and on the Committee’s concluding observations that will follow.
