

# **Advance Version**

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Agenda item 6  
**Universal periodic review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Brazil**

#### **Addendum**

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document is being issued without formal editing.

1. The Government of Brazil is pleased to inform that it fully supports 301 recommendations received at its review on November 14<sup>th</sup> 2022. Brazil would also like to inform that it supports with additional clarification the following three recommendations:

- 150.11 Ensure access to sexual and reproductive health and rights for all, decriminalize abortion and introduce legislation to provide access to safe abortion (Norway);
- 150.16 Decriminalize abortion, introduce legislation to provide access to safe abortion and ensure access to sexual and reproductive health and rights for all (Iceland); and
- 150.17 Complete pending land demarcation processes, reject the marco temporal thesis and ensure that Indigenous Peoples are protected from threats, attacks and forced evictions (Norway).

2. The Government of Brazil would like to support with additional clarification both recommendations 150.11 and 150.16 based on the understanding that the terms “safe abortion” and “safe and legal abortion” refer to women's access to good quality and humanized health care, in particular to sexual and reproductive health services, in accordance with the cases prescribed by the Brazilian legislation, including assistance to situations and complications resulting from unsafe abortions.

3. Furthermore, the Government of Brazil would like to clarify concerning recommendations 150.11 and 150.16 that the national legislation does not classify abortion as crime in the following circumstances: when it is spontaneous, when the pregnancy puts at risk the life of the pregnant woman (including the case of anencephalic foetus) or when the pregnancy is a result of violence.

4. The Government of Brazil considers that the matter at stake and related to the recommendations 150.11 and 150.16 pertains to the possibility of the national legislation to foresee an unlawful exclusion for these pregnant women, who already face a situation of anguish and pain, in order to refrain from subjecting them to very high risk procedures or to criminal prosecution due to circumstances related at times to the State's failure to guarantee the promotion of sexual and reproductive health or to avoid situations of violence.

5. The Government of Brazil would also like to inform that it supports with additional clarification the recommendation 150.17, given its reference to the rejection of the “marco temporal” thesis, which is currently under consideration of the Federal Supreme Court. The Government of Brazil would like to stress, nonetheless, that it has adopted a favorable approach towards the conclusion of pending cases of demarcation of Indigenous lands, in addition to renewing the country's efforts in ensuring that Indigenous peoples are protected against any form of threat, attack or forced displacement.

6. The Government of Brazil would like to inform that it will take note of the following two recommendations:

- 149.127 Promote policies to support the family as the natural and fundamental unit of society (Egypt); and
- 149.128 Provide comprehensive support to the institution of the family in its traditional understanding (Russian Federation).

7. The Government of Brazil would like to clarify that the above-mentioned recommendations' reference to family as a “natural” or “traditional” unity would conflict with the existing Brazilian legislation as well as the decisions taken by the Judiciary branch on this issue. In this regard, the Government of Brazil would like to outline that national public policies are addressed to all forms of family, without discrimination of any kind.

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