



*Permanent Mission of Brazil in Geneva*  
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OHCHR REGISTRY

11 NOV 2008

Recipients : SPT

**URGENT**

No. 594/08

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and to the Subcommittee on Prevention of Torture and, regarding the request of the Subcommittee on Prevention of Torture, has the honour to transmit information on the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, with special attention to Articles 17 and 23, focused on the creation of a national preventive mechanism against torture:

**“CREATION OF THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE IN BRAZIL – NPM.**

**Background Information – Actions Taken**

On January 12th, 2007, Brazil ratified the Optional Protocol to the United Nations Convention Against Torture. The Special Secretariat for Human Rights of the Presidency of the Republic, through its Anti-Torture Coordination, has since then been officially in charge of defining and implementing the NPM.

In that context, the Special Secretariat promoted broad consultation with the Association for the Prevention of Torture (APT) in April 2007, on which occasion the general principles of the NPM were discussed, and a Draft Law aiming at the enforcement of the Optional Protocol was prepared. Dr. Mario Coriolano, a member of the Subcommittee, attended this consultation as a guest.

In February 2008, during the preparation of the National Report to the Universal Periodic Review (UPR), Brazil reaffirmed its commitment to the creation of the National Preventive Mechanism and with the fulfilment of the directives and demands laid down by the Optional Protocol, informing on the creation of a National Committee as a discussion forum and an institutional landmark for lasting and effective fight against torture in Brazil.

In that regard, the first Draft Law designed to create the NPM in Brazil (in conformity with article 3 of the Optional Protocol) was submitted to the Presidency's Legal Affairs Advisory Department (Civil House), which, in their turn, presented several comments on the document.

#### Identification of Discussion Forums and Collegiate Bodies

The Special Secretariat established the National Committee for Prevention and Control of Torture – NCPCT, under a decree signed by the President in June, 2006, as a body to be composed of representatives of the State and of the civil society alike, and whose central objectives are:

- I – evaluate and follow up the actions, programs, projects and plans related to the fight against torture in Brazil, proposing necessary adaptations;
- II – propose independent national preventive mechanisms for the prevention of torture in Brazil'.

The Committee has gathered on several occasions since its creation, and, in April 2007, a national discussion meeting was held, together with the APT, in order to debate the NPM. For the first time, a State-Party to the Optional Protocol requested the help of the APT in the process of designation of the NPM, inviting one of its members to participate in the meeting. On that occasion, a Draft Law was written with the purpose of establishing the NPM, and was later submitted to the competent bodies of the Brazilian Government. This first project was modified and soon made public. At the 6<sup>th</sup> Ordinary Session of the NCPCT, on September 18, 2008, with the participation of the APT, the Special Secretariat called the 7<sup>th</sup> Ordinary Session of the NCPCT, which took place on October 22, 2008, in Brasilia, with the purpose of concluding the final Draft Law creating the NPM. This last version of the document is being submitted for scrutiny by

Presidency's Legal Affairs Advisory Department (Civil House), with a special request for congressional approval under constitutional urgency.

Agenda for Torture Prevention in Brazil for 2008-2009

The current expectation of the Special Secretariat is that, with the final Draft Law finished at the last NCPCT meeting, it will be possible to proceed to its prompt submission to the National Congress, still in 2008."

The Permanent Mission of Brazil avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights and to the Subcommittee on Prevention of Torture the assurances of its highest consideration.

Geneva, November 5, 2008



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To the Office of the High Commissioner for Human Rights  
Subcommittee on Prevention of Torture  
Geneva