

IN AUGUST 2013, six years after Brazil ratified the Optional Protocol to the UN Convention against Torture to create a torture prevention mechanism, the Presidency of the Republic finally signed the law that creates the National System to Combat and Prevent Torture. Ever since Brazil made this commitment in the UN to create a national mechanism to combat and prevent torture, Conectas has monitored and engaged in advocacy – both individually and with partners – and filed complaints in the UN to defend the approval of a federal law to establish the mechanism. In August 2013, the federal law was finally approved. Read more [here](#).



The mechanism will serve to curb the practice of torture and mistreatment in the Brazilian prison system. The number of people behind bars has soared 380% over the past 20 years. Today, Brazil has the world's fourth largest prison population, behind only the United States, China and Russia. Nearly 43% of the country's 550,000 prisoners are pre-trial detainees and there is a shortfall of 207,000 prison places.

In July 2014, the National Committee to Combat and Prevent Torture, in which civil society participates, was finally set up by President Dilma Rousseff. The Committee, which has unrestricted access to all Brazil's detention facilities, will be responsible for the creation of the national mechanism and may propose measures to prevent and combat torture, make recommendations on how to improve the facilities and monitor the implementation of these recommendations. Conectas will continue to monitor the case closely and engage in advocacy to ensure that the national mechanism is created.



NATIONAL MECHANISM TO COMBAT AND PREVENT TORTURE

In 2007, Brazil assumed in the UN the responsibility to create a torture prevention mechanism. It took five years for the country to make good on its commitment. On August 2, 2013, after intense mobilization from the UN Subcommittee on Prevention of Torture and several civil society organizations, the law that creates the **National System to Combat and Prevent Torture** was finally signed by President Dilma Rousseff. Understand the impact and scope of this law on the serious human rights situation in Brazilian detention facilities.

4 QUESTIONS

- 1 Which facilities will be inspected?**

All long-term detention facilities. This includes prisons, but also clinics for drug addicts, psychiatric hospitals, military detention centers, custody centers and youth reform centers.
- 2 When will they be inspected?**

At any time, without prior warning. There is only one body that should be notified by the National Mechanism prior to the visits: the State Mechanism, if one already exists in the state to be inspected.
- 3 What will the visits be like?**

The members of the National Mechanism may interview people, access documents and record anything they deem pertinent on video, photo or audio devices. They may also be accompanied by technical staff.
- 4 What should the Mechanism do if it finds cases of torture?**

After each visit, the members of the National Mechanism have 30 days to submit a report to the Committee – these documents will be public. If necessary, they may also demand the opening of criminal and administrative proceedings, or request medical reports, suggest alterations to the law and propose public policies.

The prison population has grown **202,7%** over the past 10 years.

In spite of the high number of detained people, there is no official data on cases of torture in the country.

548,000 people are imprisoned in Brazil. This is the world's 4th largest prison population.

Paraná, Pernambuco, Alagoas, Espírito Santo and Rio de Janeiro have already approved laws that create state-level prevention mechanisms, but only in Rio de Janeiro has the body actually been set up.

NATIONAL MECHANISM STRUCTURE

How the National System created by the new law will work:

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    MJ[Ministry of Justice] --- NCCP[National Council on Criminal and Prison Policy NCCPP]
    MJ --- BHR[Bureau of Human Rights]
    BHR --- NCPPT[National Committee on the Combating and Prevention of Torture]
    NCPPT --- NMT[National Mechanism to Combat and Prevent Torture]
    NMT --- UN[UN Subcommittee on Prevention of Torture]
    NMT --- DEP[National Prison Department Depen]
    
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COMMITTEE
Composed of 23 members: 11 from the Federal Executive Branch and 12 from civil society organizations.
Participation is not remunerated.
The mandates are for 2 years.
Responsible for monitoring the work of the Mechanism and keeping track of the implementation of its recommendations.

MECHANISM
Only linked to the Committee. It is composed of 11 experts with a higher education degree and experience in the area.
The work is remunerated.
The mandates are for 3 years.
Responsible for visiting detention facilities in order to monitor torture prevention.

