

United Nations Human Rights Council 41st Session
ID with the Special Rapporteur on health and Special Rapporteur on leprosy

Oral statement by Conectas Direitos Humanos
Delivered by Mr. Gustavo Huppes

Mr. President,

Conectas and ABGLT welcome the report of the Special Rapporteur on the right to health, concerning the challenges imposed by governments on the right to the enjoyment of the highest attainable standard of physical and mental health.

We express deep concern with the mainstreaming of forced treatment and institutionalization for people that use drugs in Brazil, stemming from a gradual shift in public spending away from non-custodial harm reduction treatment. Furthermore, the treatment provided by private institutions in Brazil, is usually centered on religious based treatment and forced abstinence not based on evidence.

A report from 2018 by the National Torture Prevention Mechanism has documented the lack of religious and sexual liberties in these facilities, in a perspective of moral censorship against LGBTQ individuals who are not allowed to express their gender identity or sexual orientation, as well as forced labor and degrading treatment. The mechanism has since been weakened and the new law has no accountability mechanism designed to guarantee the rights of the thousands of people institutionalized in these facilities.

We regret the recently approved Law 13.840 that altered the public policies towards drug users in Brazil. The new law was used by the government to pressure the Constitutional Court to, again, postpone the analysis of the proportionality of the criminalization of drug possession for personal use. The trial has started in 2015, with clear indications that the criminalization directly confronts constitutional rights, but has since reached no conclusion.

We acknowledge that these exact issues brought by the report constitute harmful practices that can directly undermine the promotion of health with an unequal impact on the lives of the poor and homeless. We ask the Special Rapporteur to closely monitor this situation in Brazil and for the Brazilian government to schedule the rapporteur's visit to the country.

Thank you.