

Brasília, March 18, 2026.

To:

**SECRETARIAT AND MEMBERS**

Sub-Committee on Accreditation – SCA

Global Alliance of National Human Rights Institutions – GANHRI

Genève

Email: [ohchr-scasecretariat@un.org](mailto:ohchr-scasecretariat@un.org)

Ref.: Relevant information for the assessment of applications for accreditation of Brazilian National Human Rights Institutions (NHRIs)

The Brazilian civil society organisations signing this submission are writing to you to provide relevant information for the accreditation process of a Brazilian NHRI, given that Brazil is among the States with NHRI applications scheduled for accreditation at the 47th session of the SCA.

The organisations endorse the Opinion signed by Debora Duprat, Leandro Scalabrin, and Paulo César Carbonari, which is attached hereto. The document emphasises, in particular, that the National Human Rights Council (CNDH) **is the institution established by the Brazilian State with the specific mandate** to promote and protect human rights in Brazil and **to serve as Brazil's National Human Rights Institution**, as set out in the drafting process and in the text of Law No. 12,986/2014, as detailed in the analysis. Supplementary documents are also provided to support this main argument.

We are confident that all the documentation will be carefully examined and that the best decision will be reached, one that meets the highest expectations of Brazilian society.

Sincerely,

1. Movimento Nacional de Direitos Humanos – MNDH Brasil
2. Terra de Direitos
3. Comissão Pastoral da Terra – CPT
4. Movimento dos Atingidos por Barragens – MAB
5. Justiça Global
6. Instituto Cultivar
7. Gabinete de Assessoria Jurídica às Organizações Populares – GAJOP
8. Plataforma DhESCA
9. Central Única dos Trabalhadores – CUT
10. Iniciativa Negra por uma Nova Política sobre Drogas
11. União Brasileira de Mulheres – UBM
12. Fórum Popular de Segurança Pública do Nordeste
13. Instituto de Estudos Socioeconômicos – INESC

14. Rede Nacional de Mães e Familiares de Vítimas do Terrorismo
15. Ação Educativa
16. Articulação dos Povos e Organizações Indígenas do Nordeste Minas Gerais e Espírito Santo – APOINME
17. Centro de Desenvolvimento Sustentável e Direitos Humanos – CEDS-DH
18. Articulação dos Povos indígenas do Brasil – APIB
19. Associação Nacional Em Defesa da Criança e do Adolescente – ANCED
20. Coalizão pela Socioeducação
21. Rede de Justiça Criminal
22. Campanha Nacional pelo Direito à Educação
23. Rede feminista de saúde
24. Instituto Preservar
25. ISER – Instituto de Estudos da Religião
26. Instituto Terra Trabalho e Cidadania – ITTC
27. Iniciativa Direito a Memória e Justiça Racial
28. Rede Nacional de Advogadas e Advogados Populares – RENAP
29. Rede Abolicionista por uma Incidência Política Popular
30. Iniciativa Direito a Memória e Justiça Racial
31. Centro Dom Helder Câmara de Estudos e Ação Social – Cendhec
32. Movimento dos Trabalhadores Rurais sem Terra – MST
33. Instituto Desenvolvimento e Direitos Humanos – IDDH
34. Monitoramento dos Direitos Humanos no Brasil – AMDH
35. Associação Brasileira de Lésbicas, Gays, Bissexuais, Travestis, Transexuais e Intersexos – ABGLT
36. Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos – CBDDH
37. Geledés – Instituto da Mulher Negra
38. Associação Brasileira de Saúde Mental – Abrasme
39. Artigo 19 – Brasil e América do Sul
40. Instituto Brasileiro de Direitos Humanos – IBDH
41. Sociedade Maranhense de Direitos Humanos – SMDH
42. Associação Brazil Office – ABO
43. Conselho Indigenista Missionário – CIMI
44. Conectas Direitos Humanos

Other Annexes

- CNDH Biennial Reports 2020–2022 and, 2022–2024
- Report Parlamentar Observatory
- Mid-Term Report UPR Brazil (2025)

## OPINION ON THE BRAZILIAN NHRI

*Deborah Duprat*

*Leandro Gaspar Scalabrin*

*Paulo César Carbonari*

1. Consultation. Relevant information for the analysis of accreditation requests concerning Brazil's NHRI. 2. National Human Rights Institutions (NHRIs) are independent bodies established by States with the specific mandate to promote and protect human rights at the national level. 3. The National Human Rights Council (CNDH) is the institution created by the Brazilian State with the specific mandate to promote and protect human rights at the national level and to serve as Brazil's National Human Rights Institution. It was established through legislation, Law No. 12.986/2014, which transformed the CDDPH (Council for the Defense of the Rights of the Human Person) into the CNDH. 3.1. Historical predecessor of the CNDH: Council for the Defense of the Rights of the Human Person (CDDPH). 3.2. Period 1986–1994 – The attempt to create an Ombudsman institution during the 1986–1988 Constituent Assembly and the creation of two State institutions (the Public Prosecutor's Office and the Public Defender's Office) with responsibilities in the field of human rights, though not intended to function as the National Human Rights Institution. 3.3. Period 1994–2014 – The decision by the Brazilian State to create a National Human Rights Institution. 3.4. The establishment by the Brazilian State of its NHRI through legislation, with the creation of the CNDH by Law No. 12.986 of June 2, 2014. International recognition, through the Universal Periodic Review, of the Brazilian State's designation of the CNDH as its NHRI, the State's acceptance of recommendations concerning the CNDH as the national NHRI, and the monitoring of those recommendations by the Chamber of Deputies' Observatory. 3.6. Deliberation by the 2025 National Human Rights Conference on the accreditation of the CNDH as an NHRI. 4. Final considerations. ANNEX. Comparative table of institutional functions established by Brazilian law for the CNDH, the DPU, and the MPU (PFDC).

### **1. Consultation. Relevant information for the analysis of accreditation requests concerning Brazil's NHRI.**

Brazilian civil society organizations requested the preparation of an opinion presenting relevant information for the analysis of accreditation requests concerning Brazil's NHRI to be submitted to the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI).

The SCA of GANHRI has already examined, at different times, accreditation requests from Brazil submitted by the National Human Rights Council, the Federal Prosecutor for

Citizens' Rights (an entity of the Federal Public Prosecutor's Office), and the Federal Public Defender's Office.

Brazil is among the States whose national institutions have candidacies scheduled for accreditation at the 47th session of the SCA, which will take place in 2026. The institution that has requested accreditation is the Federal Public Defender's Office (DPU).

Organized civil society in the field of human rights plays an important role, whether through formal participation — by submitting reports, oral and written interventions, and amicus curiae submissions — or through more informal means, engaging with key actors at events, meetings, and pre-sessions of various bodies or mechanisms of the international system. For this reason, civil society also presents this contribution in this forum.

Civil society has not had access to the documents submitted in support of the NHRI candidacies, since all submissions are confidential and are reviewed exclusively by the members of the SCA. Nevertheless, it can still contribute by submitting information it considers relevant to the accreditation of an NHRI and thereby assist the members of the SCA in their analysis. The deadline for such submissions, with regard to the 47th session of the SCA, is March 19, 2026.

The present opinion provides relevant information that civil society may forward to the members of the SCA for consideration in the analysis of Brazil's accreditation requests.

## **2. National Human Rights Institutions (NHRIs) are independent bodies established by States with the specific mandate to promote and protect human rights at the national level.**

National Human Rights Institutions (NHRIs) are bodies created by States, in the exercise of their autonomy and independence, with the specific mandate to promote and protect human rights at the national level. NHRIs are established either through a decision of the constituent power when created by the Constitution, or through the national legislative system when created by law<sup>1</sup>. The Paris Principles require that an NHRI be established in a constitutional or legislative text. Therefore, the analysis of an accreditation request must examine national legislation in order to determine whether the institution in question is the one created by the country, in the exercise of its autonomy and independence, to serve as its NHRI.

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<sup>1</sup> According to Yann Collier: "National Human Rights Institutions (NHRIs) are independent bodies established by States **with the specific mandate to promote and protect human rights at the national level.** They are created by the State but operate independently from the government." Their establishment preferably occurs through a constitutional or legislative text, given that "when an NHRI is established by a decision of the Executive branch—for example through a decree, regulation, motion, or administrative act—this raises concerns regarding its permanence, independence from government, and its ability to exercise its mandate without restriction." Yann Collier, Human Rights Officer, National Institutions and Regional Mechanisms Section, UN Human Rights. *Contribuições para a Instituição Nacional de Direitos Humanos do Brasil*. [Contribution to the National Human Rights Institution of Brazil]. Technical Meeting on the Paris Principles (NHRIs), held on October 6, 2025, at the UN House in Brasília, Brazil, which aimed to promote knowledge and discussion regarding the Paris Principles in the context of National Human Rights Institutions (NHRIs).

The guidance of the Global Alliance of National Human Rights Institutions (GANHRI), set out in the General Observations of the Sub-Committee on Accreditation (adopted on February 21, 2018), states that:

**An NHRI should be established through a constitutional or legislative text** that provides sufficient detail to ensure a clear and independent mandate. [...]

**JUSTIFICATION**

According to Article A.2 of the Paris Principles: “The national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text specifying its composition and its sphere of competence.”

[...] the Paris Principles are clear as to the requirement that NHRIs, regardless of the constitutional and legal system in which they operate, **be formally established in law and thereby distinguished from a State body**, a non-governmental organization, or an ad hoc entity. Likewise, the constitutional or legislative text must establish the mandate of the NHRI, as well as the composition of its governing body.

The Charter of the United Nations provides in Article 2(7) that “nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or require the Members to submit such matters to settlement according to the provisions of the present Charter.”

Brazil also upholds national independence, the self-determination of peoples, non-intervention, and equality among States as fundamental principles enshrined in Article 4 of its Federal Constitution.

Accordingly, in the accreditation process the SCA must examine national legislation to determine whether the institution that has submitted its candidacy is the one created by the State through a constitutional or legislative act to serve as the country’s NHRI, **with the specific mandate to promote and protect human rights at the national level.**

**3. The National Human Rights Council (CNDH) is the institution established by the Brazilian State with the specific mandate to promote and protect human rights at the national level and to serve as Brazil’s National Human Rights Institution, under Law No. 12.986/2014.**

***3.1. Historical predecessor of the CNDH: Council for the Defense of the Rights of the Human Person (CDDPH).***

In April 1956, only eight years after the adoption of the Universal Declaration of Human Rights in 1948, “UDN deputy Bilac Pinto proposed to the Brazilian Legislature the creation of a body inspired by the same principles, entrusted with the role of guardian of Human Rights.” The proposal to create the Council for the Defense of the Rights of the Human Person (CDDPH) “proved to be an extremely advanced step at a time when human rights

found little resonance in society, particularly in Latin America. As a pioneer, the CDDPH would wait three decades before Brazil was prepared to follow its lead.”<sup>2</sup>

This proposal, presented through Bill No. 1.221/1956, resulted in Law No. 4.319 of March 16, 1964, promulgated by President João Goulart.”<sup>3</sup>

Among the powers established by the law that created it, the CDDPH had the authority to adopt resolutions and conduct inquiries, as well as to oversee them, carry out investigative measures and, in the absence of the competent authorities, arrange for expert examinations and the regular investigation of complaints concerning serious human rights violations. During its proceedings, the CDDPH could “request information from authorities and hear witnesses, victims and experts, as well as monitor the legal and administrative recommendations submitted to bodies and authorities involved in cases of rights violations.” The CDDPH was also entrusted with the task of “promote studies on constitutional and legal norms related to Human Rights, as well as on all relevant international instruments.”<sup>4</sup>

Federal Law No. 4.319/1964 “leaves no doubt that the CDDPH was conceived within the framework of the internationalization of human rights.”<sup>5</sup> Article 4 established, as its primary responsibility, “to promote inquiries, investigations and studies regarding the effectiveness of the norms ensuring the rights of the human person, as set forth in the Federal Constitution, the American Declaration of the Rights and Duties of Man (1948), and the Universal Declaration of Human Rights (1948).” Article 5 further provided that “the C.D.D.P.H. shall cooperate with the United Nations with regard to the initiation and implementation of measures aimed at ensuring the effective respect of the rights of man and fundamental freedoms.”

### ***3.2. Period 1986–1994 – The attempt to establish an ombudsman during the 1986–1988 Constituent Assembly and the creation of two state institutions (the Public Prosecutor’s Office and the Public Defender’s Office) with responsibilities in the field of human rights, though not intended to serve as the National Human Rights Institution.***

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<sup>2</sup> CDDPH – Conselho de Defesa dos Direitos da Pessoa Humana: uma história de resistência e luta pelos Direitos Humanos no Brasil. [CDDPH – Council for the Defense of the Rights of the Human Person: A History of Resistance and Struggle for Human Rights in Brazil]. Council for the Defense of the Rights of the Human Person. Brasília: Secretariat for Human Rights, 2010.

<sup>3</sup> Deborah Duprat. Lawyer and retired Deputy Prosecutor General of the Republic. OPINION. Brasília, November 11, 2021. Consultancy Designation Term No. 11, of July 8, 2021. Legal opinion on the appointment process for the position of General Coordinator of the Executive Secretariat of the National Human Rights Council, based on the Paris Principles in the consolidation of National Human Rights Institutions and Note No. 00056/2021/GAB/CONJUR-MDH/CGU/AGU, SEI Process No. 00135.209747/2021-39.

<sup>4</sup> CDDPH – Conselho de Defesa dos Direitos da Pessoa Humana : uma história de resistência e luta pelos Direitos Humanos no Brasil. [CDDPH – Council for the Defense of the Rights of the Human Person: a history of resistance and struggle for Human Rights in Brazil]. Council for the Defense of the Rights of the Human Person. Brasília: Secretariat for Human Rights, 2010.

<sup>5</sup> Deborah Duprat. Lawyer and retired Deputy Prosecutor General of the Republic. OPINION. Brasília, November 11, 2021. Consultancy Designation Term No. 11, of July 8, 2021. Legal opinion on the appointment process for the position of General Coordinator of the Executive Secretariat of the National Human Rights Council, based on the Paris Principles in the consolidation of National Human Rights Institutions and Note No. 00056/2021/GAB/CONJUR-MDH/CGU/AGU, SEI Process No. 00135.209747/2021-39.

The 1987–1988 National Constituent Assembly represented a landmark in Brazil’s institutional and political transition, after more than 20 years of military dictatorship, toward a democratic state governed by the rule of law. Within its “Subcommittee on Political Rights and Individual Guarantees,” a proposal was presented for the establishment of the “People’s Defender,”<sup>6</sup> conceived as an autonomous, non-judicial institution linked to the National Congress. The People’s Defender was entirely distinct from the current Public Prosecutor’s Office and the Public Defender’s Office.

Defensoria do povo	<ul style="list-style-type: none"> <li>• Função de <i>ombudsman</i>;</li> <li>• Poder absolutamente independente de outros poderes;</li> <li>• Eleito pelo Poder Legislativo.</li> </ul>
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It should be noted that “the People’s Defender, as envisioned by the framers of the Constitution<sup>8</sup>, , although sharing certain responsibilities attributed to the Public Defender’s Office and the Public Prosecutor’s Office, would have had a distinct profile, more oriented toward extrajudicial action and more focused on acting before the Legislative Branch. This is because, “in the view of the framers, the Public Prosecutor’s Office and other State bodies, such as the Public Defender’s Office, would—to some extent—**be integrated into the administrative structure of the State**, which would hinder their proper functioning, particularly in the defense of human rights violated by the Public Administration itself.”<sup>9</sup>

Despite the debates surrounding it, the proposal was ultimately removed from the final text of the Constitution. As a result of the National Constituent Assembly’s rejection of the proposal to create the “People’s Defender,” Brazil remained with three institutions responsible

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<sup>6</sup> The proposal described the institution as follows: “conceived as an institution committed to expanding the concept of citizenship and protecting fundamental rights, along the lines of the well-known figure of the ombudsman originating in Nordic countries. The purpose was to broaden the possibilities for the protection of the population’s rights, safeguard the essential interests of community life, and foster a form of civil society activism independent from the functional structures of the established branches of government, thereby enabling the institution to exercise oversight and denounce possible abuses or deviations of power by state authorities at different levels and across the various federal entities.” ALÔ, Bernard dos Reis; ALVES, Cleber Francisco. The 1987/1988 National Constituent Assembly and the People’s Defender. *Revista da Defensoria Pública do Distrito Federal*, Brasília, vol. 4, no. 2, pp. 83–95, 2022.

<sup>7</sup> ALÔ, Bernard dos Reis; ALVES, Cleber Francisco. The 1987/1988 National Constituent Assembly and the People’s Defender. *Revista da Defensoria Pública do Distrito Federal*, Brasília, vol. 4, no. 2, pp. 83–95, 2022.

<sup>8</sup> In 1981, Constitutional Amendment Proposal No. 78 (not approved) was introduced, creating the position of Prosecutor General of the People, with the authority to investigate violations of the law and of citizens’ fundamental rights. The officeholder would be elected in a joint session of the National Congress, upon nomination by party leaders, with a four-year term. In 1981, a draft constitutional amendment was also introduced to create the Office of the Prosecutor General for the Legislative Branch, and in 1983 Senator Luiz Cavalcanti proposed the establishment of an ombudsman in Brazil. In 1984, a bill was introduced to create the People’s Prosecutor’s Office, with the authority to “receive and investigate written complaints or denunciations from any citizen who feels harmed by an act of the administration.” None of these initiatives was approved.

<sup>9</sup> ALÔ, Bernard dos Reis; ALVES, Cleber Francisco. The 1987/1988 National Constituent Assembly and the People’s Defender. *Revista da Defensoria Pública do Distrito Federal*, Brasília, vol. 4, no. 2, pp. 83–95, 2022.

for the promotion of human rights: the CDDPH (the oldest among them), the Public Prosecutor's Office, and the Public Defender's Office.

In the case of the Public Defender's Office, its primary function is "to provide legal guidance and representation, at all levels, to those in need," in order to fulfill the right recognized in Article 5, LXXIV of the Federal Constitution: "the State shall provide full and free legal assistance to those who prove insufficient resources." To this day, this remains the principal purpose and primary function of the Public Defender's Office.<sup>10</sup> The Public Defender's Office is divided into the Federal Public Defender's Office and the State Public Defender's Offices, which are autonomous from one another and possess distinct competencies.

The Federal Public Defender General (DPGF) is the head of the Federal Public Defender's Office (DPU), **appointed by the President of the Republic** from among members of the career who are over thirty-five years of age, following approval of the nomination by an absolute majority of the members of the Federal Senate, for a two-year term, with the possibility of reappointment.

The Public Prosecutor's Office was established as a permanent institution of justice responsible for safeguarding the legal order, the democratic regime, and social and individual interests that are not subject to waiver (Article 128 of the Federal Constitution). The Public Prosecutor's Office comprises: I – the Public Prosecutor's Office of the Union, which includes: a) the Federal Public Prosecutor's Office; b) the Labour Public Prosecutor's Office; c) the Military Public Prosecutor's Office; d) the Public Prosecutor's Office of the Federal District and Territories; II – the Public Prosecutor's Offices of the States. The institutional functions of the Public Prosecutor's Office established by the Federal Constitution are: "I – to initiate, exclusively, public criminal prosecution, in accordance with the law; II – to ensure that the Public Authorities and services of public relevance effectively respect the rights guaranteed in this Constitution, adopting the necessary measures to ensure their protection; III – to initiate civil inquiries and public civil actions for the protection of public and social assets, the environment, and other diffuse and collective interests; IV – to bring actions of unconstitutionality or representations for the purpose of federal or state intervention, in the cases provided for in this Constitution; V – to defend, in court, the rights and interests of Indigenous peoples; VI – to issue notifications within administrative proceedings under its authority, requesting information and documents necessary for their instruction, in accordance with the relevant complementary law; VII – to exercise external oversight of police activities, in accordance with the complementary law referred to in the previous article; VIII – to request investigative measures and the initiation of police inquiries, indicating the legal grounds for its procedural acts; IX – to exercise other functions conferred upon it, provided that they are compatible with its purpose, being prohibited from providing judicial representation or legal consultancy to public entities" (Article 129 of the Federal Constitution).

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<sup>10</sup> Art 134. "The Public Defender's Office is a permanent institution, essential to the judicial function of the State, entrusted, as an expression and instrument of the democratic regime, primarily with providing legal guidance, promoting human rights, and defending, at all levels, judicially and extrajudicially, the individual and collective rights of those in need, fully and free of charge, in accordance with item LXXIV of Article 5 of this Federal Constitution." (Federal Constitution, wording amended by Constitutional Amendment No. 80, of 2014).

The Public Prosecutor's Office of the Union is headed by the Prosecutor-General of the Republic, **appointed by the President of the Republic** from among members of the career who are over thirty-five years of age, following approval of the nomination by an absolute majority of the members of the Federal Senate, for a two-year term, with the possibility of reappointment. It should be noted that the Prosecutor-General of the Republic is entirely distinct from the position of Ombudsman in the Portuguese legal tradition<sup>11</sup>.

The Public Prosecutor's Office and the Public Defender's Office **perform ombudsman-type functions**, each carrying out the portion of this role assigned to it within Brazil's institutional framework, as do other institutions that also exercise partial ombudsman functions.

In Brazil, there is a National Association of Ombudsmen, which brings together state ombudsmen who act within their respective institutions. The National Human Rights Ombudsman's Office, linked to the Ministry of Human Rights, acts as an ombudsman in Brazil to receive, analyze, and forward complaints of human rights violations, mainly through Dial 100, a 24-hour, free and confidential service that receives complaints from vulnerable groups (children, older persons, LGBTQIA+ persons, people with impairments, and women). In addition, the federated states maintain external police and human rights ombudsman offices that operate in an ombudsman capacity.

In this sense, "to the classic concept of the Ombudsman (Ombudsmen, in the plural) — 'a commissioner of the Legislative Power responsible for investigating citizens' complaints regarding abuses by the bureaucracy' (Encyclopedia Britannica, 1972, XVI, p. 960)" — one may also add: "the various forms of its implementation throughout the world: Executive Ombudsman, Quasi-Ombudsman, and specialized ombudsmen (military, university, penitentiary, corporate (Corporate Ombudsman), and the General Ombudsman in Brazil)."<sup>12</sup> The Courts of Accounts of the Union and of the States also exercise partial ombudsman functions within the scope of their respective competences.

Several authors argue that the proposals to create the institution of a "General Ombudsman" in the 1980s and the "People's Defender" during the Constituent Assembly did

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<sup>11</sup> "The Constitution of Portugal [...] institutionalized the office of the Ombudsman, before whom citizens may submit complaints regarding acts or omissions of public authorities. It is the responsibility of that supervisory authority to examine such complaints, without decision-making power, and to address the competent bodies with the necessary recommendations to prevent and remedy injustices (Article 23 in the revised text of 1982, formerly Article 24 in the original text of 1976; see also Articles 52 and 283). The office had previously been created by Decree-Law No. 212 of April 21, 1975, and Law No. 81 of November 22, 1977 approved the Statute of the Ombudsman. With regard to the function of the Ombudsman, it is appropriate to refer to the views of commentators on the Portuguese Constitution: "The function of the Ombudsman is fundamentally characterized by its informal and non-jurisdictional nature, and by its independence from the amicable and contentious remedies available to those subject to the administration (No. 2)." TACITO, Caio. Ombudsman – The People's Defender. *Rev. Dir. Adm.*, Rio de Janeiro: jan/mar 1988. Available at: <https://periodicos.fgv.br/rda/article/view/45696/44035>. The author notes that "other federal bodies have been established with purposes similar to those aimed at defending collective interests, such as the Council for the Defense of the Rights of the Human Person (Law No. 4.319 of March 16, 1964)."

<sup>12</sup> ASPER Y VALDÉS, Daisy de; CAIDEN, Gerald. A instituição do ombudsman: aspectos da maturidade. [The Institution of the Ombudsman: Aspects of Maturity]. *Revista de Informação Legislativa*. Brasília, year 37, no. 145, Jan./Mar. 2000. Available at: <https://www2.senado.leg.br/bdsf/bitstream/handle/id/570/r145-21.pdf?sequence=4&isAllowed=y>

not advance due to strong lobbying by the Federal Court of Accounts and by the Public Prosecutor's Offices at the federal and state levels<sup>13</sup>.

However, the Brazilian State did not establish the Public Prosecutor's Office<sup>14</sup>, the Public Defender's Office, the National and State Ombudsman's Offices, or the Federal and State Courts of Accounts with the specific and broad mandate to promote and protect human rights at the national level, nor with the purpose of serving as its National Human Rights Institution.

### ***3.3. Period 1994–2014 – The decision by the Brazilian State to create a National Human Rights Institution.***

In 1993, the CDDPH participated in the Second World Conference on Human Rights in Vienna as the Brazilian representative in the debates that resulted in the formulation of the Vienna Declaration and Programme of Action, both of which emphasized the importance of National Human Rights Institutions. It should be noted that in that same year the Paris Principles were being drafted and were ultimately adopted by the United Nations in Resolution 48/134 of December 19, 1993.)<sup>15</sup>

According to Carbonari<sup>16</sup>

The Brazilian delegation that participated in the World Conference on Human Rights in Vienna (1993) produced, upon its return, one of its principal outcomes: the Brazilian Human Rights Agenda<sup>17</sup>, a summary of which was published in print by the Santo Dias Center for Human Rights of São Paulo (1994). This initiative gave

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<sup>13</sup> In this regard, see: GUALAZZI, Eduardo Lobo Botelho. Controle administrativo e “Ombudsman”. [Administrative Control and the “Ombudsman.”] *Revista da Faculdade de Direito*, Universidade de São Paulo, No. 86, p. 144-163, 1991. Available at: <https://revistas.usp.br/rfdusp/article/view/67160>

<sup>14</sup> Although these institutions perform certain ombudsman-type functions, and there is significant competition among them—and among other institutions—for primacy in this field, it is evident that they do not comply with the Paris Principles. This is primarily because they are career-based institutions and are deeply rooted in Brazil's institutional tradition, where authoritarian traits stemming from the military regime and the absence of effective transitional justice can still be observed. Most Brazilian institutions, particularly those within the justice system, remain resistant to the implementation of mechanisms for social participation within their institutional structures, even though they advocate for, promote, and demand that other institutions ensure such guarantees of social participation.

<sup>15</sup> Yann Collier, Human Rights Officer, National Institutions and Regional Mechanisms Section, UN Human Rights. *Contribuições para a Instituição Nacional de Direitos Humanos do Brasil*. [Contribution to the National Human Rights Institution of Brazil]. Technical Meeting on the Paris Principles (NHRIs), held on October 6, 2025, from 9:00 a.m. to 12:00 p.m., at the UN House in Brasília/DF, with the aim of promoting awareness and discussion of the Paris Principles in the context of National Human Rights Institutions (NHRIs).

<sup>16</sup> CARBONARI, Paulo César. *A Luta por um processo em construção- Por um Sistema Nacional de Direitos Humanos*. [The Struggle for a Process Under Construction – For a National Human Rights System.] Brasília, 2025. Forthcoming.

<sup>17</sup> See the reference in the dissertation by Marina Z. de Albuquerque, defended at Unisinos (2012, p. 48) and available at [https://repositorio.jesuista.org.br/bitstream/handle/UNISINOS/3654/comunicacao\\_cidada.pdf?sequence=1&isAllowed=y](https://repositorio.jesuista.org.br/bitstream/handle/UNISINOS/3654/comunicacao_cidada.pdf?sequence=1&isAllowed=y).

rise to many of the institutional developments in the field of human rights protection in Brazil in the years that followed.

The *Agenda*, as we have previously noted on another occasion (2007, p. 26), resulted in several initiatives.<sup>18</sup> These included the creation of the Federal Prosecutor for Citizens' Rights (PFDC) within the Federal Public Prosecutor's Office in 1993. The submission by the Executive Branch to the National Congress, in 1994, of the Bill that would create the new National Human Rights Council. In that same year, the National Secretariat for Human Rights was created<sup>19</sup>, linked to the Ministry of Justice. The Chamber of Deputies established its Human Rights Commission (CDH/CD) in 1995, while the Federal Senate did so only in 2003. Beginning in 1996, the CDH/CD, together with civil society organizations and other public institutions, began organizing the National Human Rights Conferences on an annual basis.<sup>20</sup> In May 1996, the Executive Branch adopted the National Human Rights Program, the first of its kind, later followed by two additional programs<sup>21</sup>. This set of national measures led to the adoption of several initiatives at the state level. Among these were the creation of Human Rights Commissions within the Legislative Assemblies<sup>22</sup>, the formulation of State Human Rights Plans, the establishment of State Human Rights Councils<sup>23</sup>, and the organization of State Human Rights Conferences.

Brazilian civil society had been debating the creation of a NHRI since the rejection of the proposal to establish a People's Defender during the 1988 Constituent Assembly. The

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<sup>18</sup> See CARBONARI, Paulo César. Direitos humanos no Brasil: uma leitura da situação em perspectiva [Human Rights in Brazil: A Reading of the Situation in Perspective]. In: VVAA. Direitos Humanos no Brasil 2: diagnóstico e perspectivas [Human Rights in Brazil 2: Diagnosis and Perspectives]. Rio de Janeiro: CERIS/Mauad X, 2007. Available at:

[www.dhnet.org.br/dados/livros/dh/livro\\_ceris\\_diagnostico\\_perspectivas.pdf](http://www.dhnet.org.br/dados/livros/dh/livro_ceris_diagnostico_perspectivas.pdf).

<sup>19</sup> Later, it was transformed into the Special Secretariat for Human Rights, with ministerial status and directly linked to the Presidency of the Republic. It subsequently assumed full ministerial status, which it maintains to this day under the name Ministry of Human Rights and Citizenship (MDHC). See further information at [www.gov.br/mdh/pt-br](http://www.gov.br/mdh/pt-br).

<sup>20</sup> The first conference (1996), addressed the foundations of the National Human Rights Program (PNDH); the second (1997), focused on the Human Right to Education, assessed the PNDH and called for its reformulation; the third (1998), marking the fiftieth anniversary of the Universal Declaration of Human Rights, addressed the Inter-American Human Rights System; the fourth (1999), on Economic, Social and Cultural Human Rights (ESCR), decided to prepare a Civil Society Report on the implementation of the ICESCR; the fifth (2000) focused on combating violence and promoting peace; the sixth (2001) saw the launch of the proposal for a National Human Rights System by the MNDH; the seventh (2002) mapped strategies to combat violence; the eighth (2003), addressing the proposal for a National Human Rights System, approved that the ninth conference would be deliberative; the ninth (2004) defined the contours of the National Human Rights System and was the first to include delegates elected at state conferences; the tenth (2006) focused on human rights and the economic model; the eleventh (2008) revised the National Human Rights Program (PNDH) and prepared PNDH-3, published in 2009; the twelfth (2016), on democracy, justice and equality, brought together several themes and policy areas; and the thirteenth (2025) once again addressed the National Human Rights System.

<sup>21</sup> The first PNDH (Decree No. 1.904/1996) received criticism from the MNDH during the Second National Conference for failing to include Economic, Social and Cultural Rights, which led to its reformulation and to the adoption of the second PNDH (Decree No. 4.229/2002). As a result of the Eleventh National Conference, PNDH-3 was adopted (Decree No. 7.037/2009). A prospective assessment of the first ten years can be found in <https://monitoramentodh.org.br/publicacao/pndh-3-10-anos-depois-balanco-prospectivo/>.

<sup>22</sup> The first was established in the Legislative Assembly of Rio Grande do Sul in 1980. Today, all State Legislative Assemblies and the Legislative Chamber of the Federal District have Human Rights Commissions.

<sup>23</sup> Human Rights Councils now exist in almost all Brazilian states and in the Federal District. The Network of Councils was also created (CNDH Resolution No. 11/2019, available at: [www.gov.br/mdh/pt-br/acao-informacao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/Resoluon11CriaoGrupoReferenciadoPacto.pdf](http://www.gov.br/mdh/pt-br/acao-informacao/participacao-social/conselho-nacional-de-direitos-humanos-cndh/Resoluon11CriaoGrupoReferenciadoPacto.pdf). Accessed on: March 24, 2025). It is also important to note Joint Resolution No. 001/2021 of the National, State, and Federal District Human Rights Councils, which establishes guidelines for strengthening human rights councils. Available at [www.gov.br/participamaisbrasil/blob/baixar/15015](http://www.gov.br/participamaisbrasil/blob/baixar/15015).

CDDPH, in turn, had since 1994 undertaken initiatives and promoted debates with civil society and other national institutions regarding the need to adapt it to the Paris Principles<sup>24</sup>.

The Executive Branch of the Brazilian State decided to submit a proposal for the creation of a public institution whose primary purpose would be to serve as the country's National Human Rights Institution. The formal act expressing this proposal

[...] occurred on August 22, 1994, when the Executive Branch submitted Bill No. 4.715/1994 to the Chamber of Deputies, accompanied by the Explanatory Memorandum signed by the then Minister of Justice, Alexandre Dupeyrat. The document publicly acknowledged the outdated nature of the Council for the Defense of the Rights of the Human Person (CDDPH) and pointed to the need to respond to societal demands while strengthening the institutional design of the body. The proposal was submitted under an urgent legislative procedure due to the need to reposition Brazil internationally following the Vienna Conference of 1993, when one of the most pressing issues had been the institutional structure of National Human Rights Institutions.<sup>25</sup>

The proposal for Bill No. 4.715/1994<sup>26</sup> was presented in the year following the publication of United Nations Resolution No. 48/134, which established the Paris Principles, clearly aiming at the creation of a Brazilian NHRI. This intention **was expressed in the Explanatory Memorandum accompanying the bill** by the then Minister of Justice Alexandre de Paula Dupeyrat Martins.

One of the main aspirations expressed by society as a whole, and particularly by those more directly engaged in the protection of human rights, concerns the necessary and urgent reformulation of the current Council for the Defense of the Rights of the Human Person (CDDPH). Indeed, the aforementioned body was created in 1964 and amended in 1971, which in itself already demonstrates its outdated nature, particularly in light of the dissatisfaction and mistrust expressed by human rights organizations. Expectations have focused on greater participation of civil society in its composition and on the expansion of its competences, incorporating the most recent developments observed in the international sphere. It is therefore hardly necessary to note that, after the Vienna Conference on Human

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<sup>24</sup> “To this end, a special commission was established, and between March 23 and 27, 2009, Councilor Dalmo Dallari participated in a hearing session in Geneva. At that time, the councilors were aware that the structure of the CDDPH was not compatible with the requirements of the Paris Principles and that adjustments were necessary in at least two respects: greater pluralism in its composition and financial autonomy. This is evidenced by the fact that, in March 1994, the then president of the CDDPH had submitted to the National Congress a bill establishing the new National Human Rights Council, conceived to remedy the deficiencies of the former Council and to enable it to qualify as an NHRI.” *Deborah Duprat. Lawyer and retired Deputy Prosecutor General of the Republic.* OPINION. Brasília, November 11, 2021. Consultancy Designation Term No. 11, of July 8, 2021.

<sup>25</sup> PENA, Ivana Farina Navarrete; GOMES, Renata Pinho Studart. *Conselho Nacional dos Direitos Humanos: memória do processo de transição e estruturação* (2014–2016). [National Human Rights Council: Memory of the Process of Transition and Institutional Structuring]. Brasília, 2025. Forthcoming.

<sup>26</sup> The proposal was originally submitted through Executive Message No. 663 of August 22, 1994, to the Chamber of Deputies as Bill No. 4.715/94. It was processed in the Chamber until the end of 2001 and subsequently forwarded to the Federal Senate, where, on June 30, 2004, it received a substitute text and was returned to the Chamber. The bill was eventually approved and became Federal Law No. 12.986, sanctioned by President Dilma Rousseff on June 2, 2014—almost twenty years after its original submission. To examine the “very lengthy” legislative process, see. [www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=21076](http://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=21076).

Rights—where one of the most pressing issues concerned the institutional structure of national human rights institutions—the demand for reform became unavoidable (BRAZIL, 1994)<sup>27</sup>.

Bill No. 4.715/1994 was processed in the National Congress for nearly two decades, between 1994 and 2014, passing through thematic committees, hearings, and public debates. This process allowed the Legislative Branch—particularly the Human Rights Commission of the Chamber of Deputies—to draft a substitute text to the original bill, incorporating “contributions arising from the dialogue process established between the federal government and human rights NGOs shortly after the Vienna Conference (1993).”

The First National Human Rights Program – PNDH-1 also leaves no doubt regarding the commitment of national institutions and civil society to transform the CDDPH into the CNDH, **with the intention that it would become the Brazilian NHRI**. PNDH-1 was created by Decree No. 1.904 of May 13, 1996<sup>28</sup>, following a broad process of social participation during the 1st National Human Rights Conference, held by the Human Rights Commission of the Chamber of Deputies, and established as a goal “to reform the CDDPH by expanding the participation of civil society representatives and its competences.”<sup>29</sup>

In 2002, Brazil drafted and institutionalized its second National Human Rights Program (PNDH II)<sup>30</sup>. Once again, the Program included, as a general proposal for government action, “to support the approval of Bill No. 4.715/1994, which transforms the Council for the Defense of the Rights of the Human Person – CDDPH into the National Human Rights Council – CNDH, expanding its competence and the participation of representatives of civil society.”

The Third National Human Rights Program (PNDH-3), of December 21, 2009, expressly reflects Brazil’s decision to transform the CDDPH into the National Human Rights Council (CNDH) and to designate it as the country’s National Human Rights Institution, through the following programmatic action:

To support, together with the Legislative Branch, the establishment of the National Human Rights Council, provided with the human, material, and budgetary resources necessary for its full operation, and to carry out its accreditation before the Office of the United Nations High Commissioner for Human Rights as the “Brazilian National Institution,” **as a first step** toward the full adoption of the “Paris Principles.”<sup>31</sup>

The long years of legislative processing of Bill No. 4.715/1994 constitute evidence of the maturation of the decision that the future National Human Rights Council would become a national human rights institution. According to Ivana Farina and Renata Pinho Studart Gomes<sup>32</sup>:

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<sup>27</sup> See Executive Message No. 663 of August 22, 1994, available at: <https://imagem.camara.leg.br/Imagem/d/pdf/DCD28OUT1994.pdf#page=4>.

<sup>28</sup> See [https://www.planalto.gov.br/ccivil\\_03/decreto/d1904.htm](https://www.planalto.gov.br/ccivil_03/decreto/d1904.htm).

<sup>29</sup> See [https://www.planalto.gov.br/ccivil\\_03/decreto/1950-1969/anexo/and1904-96.pdf](https://www.planalto.gov.br/ccivil_03/decreto/1950-1969/anexo/and1904-96.pdf).

<sup>30</sup> See [https://www.planalto.gov.br/ccivil\\_03/decreto/2002/d4229.htm](https://www.planalto.gov.br/ccivil_03/decreto/2002/d4229.htm).

<sup>31</sup> See [https://www.planalto.gov.br/ccivil\\_03/ato2007-2010/2009/decreto/d7037.htm](https://www.planalto.gov.br/ccivil_03/ato2007-2010/2009/decreto/d7037.htm).

<sup>32</sup> *Conselho Nacional dos Direitos Humanos: memória do processo de transição e estruturação* (2014–2016). [National Human Rights Council: Memory of the Process of Transition and Institutional Structuring.] Brasília,

This extensive period of nearly twenty years reflects both the conservatism of certain sectors of the State in the face of the creation of an autonomous and critical body and the persistence of civil society in advocating for a national council aligned with international standards.

Months before its approval, the Chamber of Deputies held a commemorative session marking the 50th anniversary of the CDDPH (March 26, 2014), on which occasion the importance of the body in the restoration of Brazilian democracy was highlighted, and the creation of the National Human Rights Council (CNDH) was advocated with the purpose of serving as the Brazilian NHRI, with a broad and specific mandate for the protection, promotion, and defense of human rights:

The new council will also have the power to require various public institutions to adopt measures to repair human rights violations.

[...]

It will also have the authority to conduct investigations into conduct and situations contrary to human rights and to apply sanctions.<sup>33</sup>

The bill approved by the National Congress was sent for presidential assent on May 13, 2014, and was sanctioned by the President of the Republic on June 2, 2014, with the enactment of Law No. 12.986/2014.

The Paris Principles require that a NHRI be established in a constitutional or legislative text. Law No. 12.986/2014 therefore leaves no doubt that the CNDH is the institution created by the country with the primary purpose of serving as its NHRI. Beyond its literal wording, the historical process that made it possible, briefly described above, confirms this intention.

#### ***3.4. The establishment by the Brazilian State of its NHRI through legislation, with the creation of the CNDH by Law No. 12.986 of June 2, 2014.***

With Law No. 12.986/2014, the object, purpose, composition, competences, prerogatives, sanctioning powers, and organizational structure of the National Human Rights Council (CNDH) are defined.

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2025. Forthcoming. Ivana Farina is a Prosecutor of Justice at the Public Prosecutor's Office of the State of Goiás. She served as a member of the Council for the Defense of the Rights of the Human Person (CDDPH). She was elected President of the National Human Rights Council (CNDH) for the 2014–2016 term as a representative of civil society nominated by the National Council of Prosecutors General of the Public Prosecutor's Offices of the States and of the Union. She served as Vice-President from June 2015 to April 2016 and as President from April to December 2016. Renata Gomes is a human rights defender who holds a bachelor's degree in International Relations and is a master's student in the Graduate Program in Human Rights and Citizenship at the University of Brasília. She served as Executive Secretary of the National Human Rights Council from March 2016 to December 2018.

<sup>33</sup> Source: Agência Câmara de Notícias [www.camara.leg.br/noticias/429655-comissao-homenageia-50-anos-do-conselho-de-defesa-da-pessoa-humana/](http://www.camara.leg.br/noticias/429655-comissao-homenageia-50-anos-do-conselho-de-defesa-da-pessoa-humana/).

According to Deborah Duprat, lawyer and retired Deputy Prosecutor General of the Republic., “**the National Human Rights Council was the body created to serve as the National Human Rights Institution of Brazil.**”<sup>34</sup>

Law No. 12.986/2014 establishes that the Council “is the body entrusted with ensuring the effective respect for human rights by public authorities, services of public relevance, and private actors,” assigning it the **broad and specific mandate** to carry out “the promotion and defense of human rights through preventive, protective, remedial, and sanctioning actions in response to conduct and situations that threaten or violate those rights.” **No other Brazilian institution holds this exclusive mandate as its primary and essential function:**

Article 2. The purpose of the CNDH is the promotion and defense of human rights through preventive, protective, remedial, and sanctioning actions in response to conduct and situations that threaten or violate those rights.

§ 1. Human rights under the protection of the CNDH include the fundamental rights and guarantees, whether individual, collective, or social, provided for in the Federal Constitution or in international treaties and instruments ratified by the Federative Republic of Brazil.

§ 2. The defense of human rights by the CNDH does not depend on a request from the persons or communities affected.

With regard to the broad mandate of the CNDH and its prerogatives, described respectively in Articles 4 and 5 of Law No. 12.986/2014, it may be observed that they were specified in law in direct relation to the Paris Principles.

Article 4. The CNDH is the body responsible for ensuring the effective respect for human rights by public authorities, services of public relevance, and private actors, and shall have the following responsibilities:

I – to promote the measures necessary for the prevention, repression, sanction, and reparation of conduct and situations contrary to human rights, including those provided for in international treaties and instruments ratified in the country, and to determine the respective responsibilities;

II – to oversee the national human rights policy and may suggest and recommend guidelines for its implementation;

III – to receive petitions or complaints concerning conduct or situations contrary to human rights and determine the respective responsibilities;

IV – to issue recommendations to public and private entities involved in the protection of human rights, establishing a reasonable time limit for compliance or for justification of the impossibility of doing so;

V – (VETOED);

VI – to coordinate with federal, state, Federal District, and municipal bodies responsible for the protection and defense of human rights;

VII – to maintain exchange and cooperation with public or private entities, whether national or international, with the objective of protecting human rights and achieving the other purposes provided for in this article;

VIII – to monitor compliance with obligations related to the defense of human rights arising from international agreements, producing reports and providing the necessary cooperation to the Ministry of Foreign Affairs;

IX – to issue opinions on normative, administrative, and legislative acts relevant to the national human rights policy and to draft legislative proposals and normative acts related to matters within its competence;

X – to conduct studies and research on human rights and to promote actions aimed at disseminating the importance of respecting those rights;

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<sup>34</sup> OPINION. Brasília, November 11, 2021. Consultancy Designation Term No. 11, of July 8, 2021. Legal opinion on the appointment process for the position of General Coordinator of the Executive Secretariat of the National Human Rights Council, based on the Paris Principles in the consolidation of National Human Rights Institutions and Note No. 00056/2021/GAB/CONJUR-MDH/CGU/AGU, SEI Process No. 00135.209747/2021-39.

- XI – to recommend the inclusion of specific human rights content in school curricula, especially in the training courses of police forces and of bodies responsible for the defense of the State and democratic institutions;
- XII – to give special attention to areas with a higher incidence of human rights violations and, where appropriate, to promote the establishment of CNDH representations in such areas for as long as necessary;
- XIII – (VETOED);
- XIV – to submit representations:
  - a) to the competent authority for the initiation of a police inquiry or administrative proceeding aimed at determining responsibility for human rights violations or for failure to promote them, including the provisions established in item XI, and for the application of the respective penalties;
  - b) to the Public Prosecutor’s Office so that, within the exercise of its functions, it may promote measures related to the defense of threatened or violated human rights;
  - c) to the Prosecutor General of the Republic for the purposes of federal intervention, in the situation provided for in item b of subsection VII of Article 34 of the Federal Constitution;
  - d) to the National Congress, with the aim of ensuring the effective exercise of the competences of its Houses and Committees regarding matters related to human rights;
- XV – to carry out investigative procedures concerning conduct and situations contrary to human rights and to apply sanctions within its competence;
- XVI – to issue, by express deliberation of the absolute majority of its council members, statements on crimes that, due to their characteristics and repercussions, should be considered human rights violations of exceptional gravity, for the purpose of monitoring the measures necessary for their investigation, prosecution, and adjudication.

The broad mandate of the CNDH and its prerogatives, reiterated in Article 4 of its Internal Rules<sup>35</sup>, are directly related to its purpose and to the “Paris Principles:”

Article 4. The CNDH shall ensure the effective respect for human rights by public authorities, services of public relevance, and private actors, and shall have the following responsibilities:

- I – to promote and monitor, **acting autonomously**, the measures necessary for the prevention, repression, sanction, and reparation of conduct and situations contrary to human rights, including those provided for in international treaties and instruments ratified in the country, and to determine the respective responsibilities;
- II – to oversee and monitor public human rights policies and the National Human Rights Program (PNRH), and may suggest and recommend guidelines for their implementation;**
- III – to contribute to the consolidation of the National Human Rights System and to develop actions for its coordination and strengthening;**
- IV – to receive petitions or complaints concerning conduct or situations contrary to human rights and determine the respective responsibilities, promoting coordination with federal, state, municipal, and Federal District bodies with a view to repairing or restoring the violated right;
- V – to issue recommendations to **public and private entities**, establishing a reasonable time limit for compliance or for justification of the impossibility of doing so;
- VI – to issue resolutions;
- VII – to issue public statements;
- VIII – to coordinate with federal, state, municipal, and Federal District bodies responsible for the protection and defense of human rights;
- IX – to maintain exchange and cooperation with public or private entities, national or international, particularly with bodies forming part of the international and regional human rights systems, with the objective of protecting human rights and carrying out the other purposes provided for in this article;

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<sup>35</sup> See <https://bibliotecadigital.mdh.gov.br/jspui/handle/192/7612>

**X – to monitor compliance with obligations related to the defense of human rights arising from international agreements, producing reports and providing the necessary cooperation to the Ministry of Foreign Affairs;**

XI – to monitor administrative and judicial proceedings related, directly or indirectly, to serious human rights violations, as well as to the defense of the assets and interests under its protection, in accordance with a resolution of the Plenary;

**XII – to issue opinions on normative, administrative, and legislative acts related to the national human rights policy and to draft legislative proposals and normative acts concerning matters within its competence;**

XIII – to hold hearings, ensuring social participation in the discussion of issues related to human rights;

XIV – to promote events related to human rights themes;

XV – to carry out missions and other actions to verify human rights violations;

XVI – to conduct studies and research on human rights and to promote actions aimed at disseminating the importance of respect for these rights;

XVII – to appoint, pursuant to § 5 of Article 8 of Law No. 12.986/2014, ad hoc consultants to provide technical support for debates and thematic studies;

XVIII – to designate specialists as Special Rapporteurs for the diagnosis, study, and preparation of reports, resolutions, and recommendations on human rights;

XIX – to carry out campaigns aimed at mobilizing society on issues of public relevance in human rights, as well as to promote outreach actions related to the observance of those rights;

XX – to recommend the inclusion of specific human rights content in school curricula, especially in training courses for police forces and for bodies responsible for the defense of the State and democratic institutions

XXI – to give special attention to areas with a higher incidence of human rights violations and, where appropriate, to promote the establishment of CNDH representations in such areas for as long as necessary.

XXII – to submit representations:

a) to the competent authority for the initiation of a police inquiry or administrative proceeding aimed at determining responsibility for human rights violations or for failure to promote them, including the provisions established in item XX, and for the application of the respective penalties;

b) to the Public Prosecutor's Office so that, within the exercise of its functions, it may promote measures related to the defense of threatened or violated human rights;

c) to the Prosecutor General of the Republic for the purposes of federal intervention, in the situation provided for in item "b" of subsection VII of Article 34 of the Federal Constitution; and

d) to the National Congress, with the aim of ensuring the effective exercise of the competences of its Houses and committees regarding matters related to human rights;

XXIII – to initiate investigative procedures concerning conduct and situations contrary to human rights and to apply sanctions within its competence;

XXIV – to issue, by express deliberation of the absolute majority of its council members, statements on crimes that, due to their characteristics and repercussions, should be considered human rights violations of exceptional gravity, for the purpose of monitoring the measures necessary for their investigation, prosecution, and adjudication; and

XXV – to prepare and publish reports on its activities for the purpose of accountability regarding its actions.

The National Human Rights Council (CNDH) is a collegiate body composed on a parity basis between institutions representing the three branches of the Republic and civil society. Its purpose is to promote and defend human rights in Brazil through preventive, protective, reparative, and sanctioning actions in response to conduct and situations that threaten or violate these rights, as provided for in the Federal Constitution and in international treaties and instruments ratified by Brazil.

According to Darci Frigo, Yuri Costa e Leandro Gaspar Scalabrin<sup>36</sup>

The transformation of the CDDPH into the CNDH fulfilled one of the objectives of the Third National Human Rights Program (PNDH-3), adopted in 2009, which established that Brazil would seek the recognition of a National Human Rights Institution (NHRI) in which civil society would have direct participation in both its selection process and its composition. The transformation of the CDDPH into the CNDH in 2014 represented the first step toward achieving this goal. From that year onward, by virtue of Law No. 12.986/2014—which defines the purpose, composition, competences, prerogatives, and organizational structure of the National Human Rights Council—it became Brazil’s National Human Rights Institution. The Council has the structure of a collegiate body and functions as a state institution composed on a parity basis by civil society and institutions representing the three branches of government, as well as by institutions essential to the functioning of justice.

The CNDH carries out its institutional mission guided by the Principles Relating to the Status of National Human Rights Institutions (“Paris Principles”), adopted by the United Nations, which are characterized by pluralism and autonomy, and it has committed<sup>37</sup> to seeking accreditation with GANHRI<sup>38</sup>. An analysis of compliance with all the “Paris Principles,” which enabled the CNDH to obtain full accreditation with the GANHRI (“A” status), will not be undertaken here<sup>39</sup>, since the issue to be highlighted concerns which institution, **as defined by Brazilian legislation and by the Brazilian State in the exercise of its autonomy, is eligible to be accredited as the NHRI.**

***3.5. International recognition, within the framework of the Universal Periodic Review, of the Brazilian State’s designation of the CNDH as its NHRI, the State’s acceptance of recommendations related to the CNDH in this capacity, and the monitoring of those recommendations by the Chamber of Deputies’ Observatory.***

The Universal Periodic Review (UPR), created by the United Nations General Assembly on 15 March 2006 through Resolution 60/251 and subsequently strengthened by Resolution 16/21 and Decision 17/119, is an important mechanism through which United

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<sup>36</sup> COSTA, Yuri; FRIGO, Darci; SCALABRIN, Leandro Gaspar. *A INDH brasileira em defesa da democracia (2020–2022). The Brazilian NHRI in Defense of Democracy*. Brasília, 2025. Forthcoming.

<sup>37</sup> O CNDH enquanto Instituição Nacional de Direitos Humanos do Brasil. [The CNDH as Brazil’s National Human Rights Institution.] CNDH, 2022 Available at: <https://www.gov.br/participamaisbrasil/nota-cndh-33-2022>

<sup>38</sup> Although the CNDH possesses a broad mandate, comprehensive functions, independence from the government, pluralism, and cooperative working methods—while still needing to advance in some of these aspects, particularly with regard to the provision of adequate capacities, sufficient resources, and international engagement (which broadly correspond to the attributes and requirements established by the Paris Principles for the accreditation of a NHRI)—and while it constitutes, both de facto and de jure, Brazil’s National Human Rights Institution, it still needs to seek formal accreditation as such with the Global Alliance of National Human Rights Institutions (GANHRI).

<sup>39</sup> On this matter: MAZZUOLI, Valério. *Necessidade de uma Instituição Nacional de Direitos Humanos*. [Need for a National Human Rights Institution]. Legal Opinion. Cuiabá, 2021.

Nations Member States cooperatively advance the fulfillment of their human rights obligations. Under the UPR, all countries are reviewed every four and a half years by working groups composed of United Nations Member States.

According to the UPR Brazil Platform, organized by the UPR Brazil Collective, a civil society articulation focused on this issue: Brazil has already undergone four cycles of the Universal Periodic Review (2008, 2012, 2017, and 2022). In 2008, 15 recommendations were made, and in 2012, 170 recommendations were issued. In 2017, Brazil underwent the third cycle of the UPR, receiving 246 recommendations, of which 242 were accepted by the Brazilian State<sup>40</sup>. The fourth cycle (2022)<sup>41</sup> received a total of 304 recommendations.

The recommendations addressed to Brazil demonstrate that the United Nations has recognized that the Brazilian State, within its sphere of autonomy, established through legislation the CNDH as its National Human Rights Institution, although it is not yet fully in accordance with the Paris Principles. The third cycle of the UPR presented specific recommendations regarding the recognition and strengthening of the CNDH:

23. Continue efforts to strengthen national human rights institutions (Nepal).
24. Continue working to ensure that the National Human Rights Institution acquires “A” status in accordance with the Paris Principles (Portugal);
25. Bring the National Human Rights Council into compliance with the Paris Principles (Sierra Leone).
26. Provide the National Human Rights Council with the necessary resources to enhance its independence so that it can effectively perform its functions (Uganda).
27. Provide the National Human Rights Council with the necessary budgetary, administrative, and political independence to fully implement its functions (Greece).
28. Provide the National Human Rights Council with the budgetary, administrative, and political independence necessary to exercise its new mandate (Guatemala).
30. Continue the commendable efforts to strengthen the legal and institutional framework for the promotion and protection of human rights and to reduce poverty and promote social equality (Bhutan).
31. Bring national human rights institutions, particularly the National Human Rights Council, into full compliance with the Paris Principles (Poland).

The Brazilian State accepted these recommendations, which were subsequently forwarded to the Parliamentary Observatory of the UPR, under the responsibility of the Human Rights and Minorities Committee of the Chamber of Deputies and the representation of the Office of the United Nations High Commissioner for Human Rights. The purpose of this Observatory is to monitor the implementation of the recommendations accepted by the Brazilian State before the international community.

The report prepared by the Observatory in 2022 analyzed “the recommendations received in the most recent UPR cycle regarding the alignment of the National Human Rights

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<sup>40</sup> See <https://plataformarpu.org.br/o-que-e-rpu>

<sup>41</sup> See the publication containing all recommendations adopted during the fourth cycle <https://www.gov.br/mdh/pt-br/navegue-por-temas/atuacao-internacional/organizacao-das-nacoes-unidas-onu/relatorios-e-recomendacoes-internacionais/revisao-periodica-universal-rpu/rpu-iv-ciclo/tabela-de-recomendacoes-iv-ciclo-rpu.pdf>. Civil society has already submitted a mid-term report presented in September 2025 – the English version is available at [https://plataformarpu.org.br/storage/publications\\_documents/5ThC21IDDvxleEkHvG0fGt8YP6vruTvVI6jzdVn8.pdf](https://plataformarpu.org.br/storage/publications_documents/5ThC21IDDvxleEkHvG0fGt8YP6vruTvVI6jzdVn8.pdf) (the Brazilian State has indicated that it will submit its report in June 2026).

Council (CNDH) with the so-called ‘Paris Principles’<sup>42</sup>,” presenting the following general conclusions:

131. With regard to the attributions, competences, and methods of operation of the National Human Rights Council, as defined in Law No. 12.986 of 2 June 2014, there is satisfactory coverage of the standards required by the Paris Principles, and no major obstacles remain in this respect to the Council’s alignment with those principles.

132. The legal mandate of the CNDH reasonably covers, although not fully, the principles concerning the so-called “quasi-jurisdictional competences” of National Human Rights Institutions (NHRIs). These, however, are optional principles and therefore do not present significant obstacles to the Council’s overall alignment with the Paris Principles.

133. With regard to its composition, the CNDH has a highly plural structure, consisting of civil society organizations, public entities responsible for oversight and the promotion of rights, parliamentary representatives with parity between the government and the opposition, and government representatives, which, strictly speaking, account for three representations out of a total of twenty-two.

137. Likewise, a preliminary analysis, within the temporal limits of this report, made it possible to conclude that the Council operates with political autonomy, even opposing important programs and actions of dominant coalitions during different administrations.

145. Thus, notwithstanding the fulfillment of certain minor demands, the situation observed is that of a Council that has been consolidating itself institutionally and exercising its mandate with autonomy and making relevant contributions to the protection and promotion of human rights in Brazil. Nevertheless, it remains significantly limited in its institutional capacities and reach, not only by omissions but also by deliberate actions of the State.

146. It was precisely this contradictory situation that informed the Observatory’s assessment regarding the recommendations related to the CNDH. On the one hand, progress was observed within the institution itself; on the other hand, regressive actions by the State were identified. Accordingly, it was decided to consider as “in progress” the general recommendations related to the consolidation of the National Human Rights Council as a National Human Rights Institution (NHRI)<sup>43</sup>, and as not implemented<sup>44</sup> or in regression<sup>45</sup>, depending on the case and with due justification, those recommendations concerning the provision by the Brazilian State of adequate administrative and budgetary conditions for the institution.

The report of the Chamber of Deputies highlights that, despite the difficulties faced by the CNDH, it “performs its functions and seeks to overcome its limitations through network-based action and institutional partnerships,” and that, as a result of this performance, it “has consolidated in recent years its importance as an actor in the defense of human rights before organizations, human rights defenders and, as illustrated, by the Supreme Federal Court itself and international bodies.”

In the fourth cycle (2022), the recommendations concerning the CNDH are as follows:

149.50 Establish a National Human Rights Institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (Estonia) (Latvia) (Lithuania) (Nigeria).

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<sup>42</sup> *National Human Rights Institution*. Text: Carlos David Carneiro Bichara (Conle). Available at: [https://bibliotecadigital.mdh.gov.br/jspui/bitstream/192/8717/2/relat%c3%b3rio\\_instituicao\\_bichara.pdf](https://bibliotecadigital.mdh.gov.br/jspui/bitstream/192/8717/2/relat%c3%b3rio_instituicao_bichara.pdf)

<sup>43</sup> Recommendations 23, 24, 25, and 31.

<sup>44</sup> Recommendation 26.

<sup>45</sup> Recommendations 27 and 28.

149.51 Consider establishing a National Human Rights Institution in accordance with the Paris Principles (India); continue working to strengthen the National Human Rights Institution in accordance with the Paris Principles (Nepal); establish a National Human Rights Institution with the independence and autonomy required by the Paris Principles (Spain).

149.52 Establish an independent national human rights institution in accordance with the Paris Principles, with administrative and financial autonomy, capable of conducting investigations without reprisals, particularly regarding the impact of mining and economic exploitation activities in protected territories or indigenous lands (Costa Rica).

149.53 Implement the National Human Rights Action Plan with the objective of strengthening relevant human rights institutions in the country in relation to the Paris Principles (Uzbekistan).

150.3 Strengthen the National Human Rights Council and align it with the Paris Principles (South Africa).

150.4 Ensure that the National Human Rights Council complies with the Paris Principles (Iraq).

150.5 Align the functioning of the National Human Rights Council with the Paris Principles (Benin).

150.6 Intensify efforts to ensure that the National Human Rights Council fully complies with the Paris Principles, particularly by strengthening its administrative independence (Djibouti).

150.7 Align the National Human Rights Council with the Paris Principles (Zambia).

150.8 Take further measures to strengthen the administrative independence of the National Human Rights Council (Georgia).

There is, therefore, considerable uniformity among the recommendations made by different countries regarding the explicit recognition of the CNDH as Brazil's National Human Rights Institution and the need for certain adjustments for it to be accredited in that capacity. In the mid-term report prepared by the UPR Brazil Collective and submitted to the United Nations Human Rights Council in September 2025, it is stated:

The National Human Rights Council (CNDH)<sup>46</sup>, for instance, performs a role equivalent to that of a National Human Rights Institution and is recognized by Brazilian civil society as the institution to be accredited as such. The UPR Brazil Collective considers that it is the only Brazilian institution possessing the characteristics required of a NHRI, including a broad mandate defined by law, pluralistic representation and social participation, as well as notable engagement with international organizations (2025, p. 102).<sup>46</sup>

In a report on Brazil, the Inter-American Commission on Human Rights states that “the CNDH has been an important body for consideration, deliberation, and recommendation

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<sup>46</sup> See the text in Portuguese at [https://plataformarpu.org.br/storage/publications\\_documents/fHYQNNedtDUlhBao2bMGrGjPXO1aY37be3AR81id.pdf](https://plataformarpu.org.br/storage/publications_documents/fHYQNNedtDUlhBao2bMGrGjPXO1aY37be3AR81id.pdf) and in English at [https://plataformarpu.org.br/storage/publications\\_documents/5ThC21IDDvxleEkHvG0fGt8YP6vruTvVI6jzdVn8.pdf](https://plataformarpu.org.br/storage/publications_documents/5ThC21IDDvxleEkHvG0fGt8YP6vruTvVI6jzdVn8.pdf)

regarding cases of serious human rights violations in the country and, according to information provided by the State, resembles a National Human Rights Institution (NHRI)”<sup>47</sup>.

Therefore, as already stated by Deborah Duprat regarding the cooperation owed among national States in human rights matters, “also under the cooperation regime to which Brazil has adhered, there is recognition that the CNDH is Brazil’s NHRI, although it does not yet operate at its full capacity due to obstacles affecting its administrative, financial, and budgetary autonomy.”

It is also worth highlighting that, during the judgment of a case concerning police lethality in the State of Rio de Janeiro (ADPF 635), the Supreme Federal Court addressed the preparation of a plan to reduce police lethality in the state. In his opinion, the reporting Justice, Edson Fachin, stated that this plan should “count on the collaboration of bodies that were not heard in the precautionary phase, in particular the National Human Rights Council, a national entity that conforms to the Paris Principles on the Status of National Institutions for the Protection of the Human Person.”<sup>48</sup>

Thus, whether at the international or the domestic level, there is sufficient consensus that the National Human Rights Council is Brazil’s INDH.

### ***3.6. Deliberation by the 2025 National Human Rights Conference on the accreditation of the CNDH as an NHRI.***

The 13th National Human Rights Conference (ConDH), aimed at strengthening democracy and social participation in the development of human rights policies in Brazil, brought together approximately 1,400 participants in Brasília (DF) between 10 and 12 December 2025. For its organization, a broad mobilization process took place throughout the year, involving participants from the 26 Brazilian states and the Federal District through more than 200 state, regional, and open preparatory stages, which received more than 670 proposals.

Throughout the year, more than 500 municipalities were mobilized to hold regional, municipal, intermunicipal, state, and open conferences, with more than 7,000 votes cast on the proposals submitted during the digital stages. More than 70 civil society organizations and movements were invited, and more than 230 representatives participated in organizing the preparatory stages through 23 state and Federal District Human Rights Councils.<sup>49</sup>

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<sup>47</sup> INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Human Rights Situation in Brazil*. Inter-American Commission on Human Rights, 2021. Available at <https://www.oas.org/pt/cidh/relatorios/pdfs/Brasil2021-pt.pdf>.

<sup>48</sup> BRAZIL STF. Precautionary Measure in ADPF 635. Rapporteur: Justice Edson Fachin. J. 18/8/2020. Available at <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=754168293&prcID=5816502>, acesso em 10/1/2022.

<sup>49</sup> See <https://www.gov.br/mdh/pt-br/assuntos/noticias/2025/dezembro/apos-hiato-de-quase-dez-anos-conferencia-nacional-dos-direitos-humanos-busca-retomada-de-dialogo-para-a-construcao-de-um-sistema-nacional>.

The delegates of the 13th National Human Rights Conference, assembled in the final plenary session on 12 December 2025, approved the set of proposals developed by the Working Groups, forming the final document of the Conference, which will guide the updating of the National Human Rights Program.

During this final plenary session, the following proposals concerning Brazil's National Human Rights Institution were approved:

**PROPOSAL 01 (PRIORITIZED PROPOSAL)**

**Strengthen Brazil's participation in multilateral institutions and organizations by expanding dialogue**, cooperation, and the development of foreign policies aimed at peace, justice, and sustainable development, while establishing permanent mechanisms to monitor the implementation of international treaties and recommendations. This measure seeks to ensure the effective compliance with international human rights treaties, conventions, and agreements ratified by Brazil through continuous monitoring, accountability mechanisms, and improvements to the domestic normative framework, guaranteeing transparency, the prevention of violations, and the protection of groups in situations of vulnerability. In addition, seek the recognition of Brazil's National Human Rights Council as the country's National Human Rights Institution (NHRI) within the United Nations system, ensuring the representation of Brazilian civil society in international decision-making spaces and contributing to the strengthening of the global human rights protection system. **(Axis 5 – Protection of Human Rights in the International Context. WG 13 – International Human Rights System)**

**PROPOSAL 02**

Ensure, strengthen, and promote the National Human Rights Council (CNDH), established by Brazilian legislation (Law No. 12.986/2014, which transformed the former Council for the Defense of the Rights of the Human Person – CDDPH into the current CNDH), as Brazil's National Human Rights Institution (NHRI), of a collegiate nature and with the participation of civil society and state human rights councils. This includes providing it with administrative autonomy and its own budget allocation through specific legislation and other conditions in accordance with the Paris Principles (endorsed by the United Nations General Assembly in 1993), necessary for pursuing accreditation with the Global Alliance of National Human Rights Institutions (GANHRI). **(Axis 6 – Strengthening Human Rights Institutional Frameworks. WG 17 – Strengthening Human Rights Councils)**

Therefore, the **13th National Human Rights Conference** reaffirmed the position of Brazilian society to seek recognition of the National Human Rights Council (CNDH) as Brazil's National Human Rights Institution (NHRI) within the United Nations system, and to ensure, strengthen, and promote the CNDH as a collegiate, plural, and autonomous national institution.

#### **4. Final considerations**

National Human Rights Institutions (NHRIs) are independent bodies established by States with the specific mandate to promote and protect human rights at the national level.

The “Paris Principles” require that a National Human Rights Institution (NHRI) be established in a constitutional or legislative text. Therefore, *the analysis of an accreditation request must be based on national legislation in order to verify whether the institution in question is the one created by the country as its NHRI*, in the exercise of its autonomy and independence.

The National Human Rights Council (CNDH) **is the institution created by the Brazilian State with the specific mandate** to promote and protect human rights at the national level and **to serve as Brazil’s National Human Rights Institution**. This mandate was established through a legal instrument, Law No. 12.986/2014, which transformed the CDDPH (Council for the Defense of the Rights of the Human Person) into the CNDH.

Institutions that also have responsibilities related to the safeguarding of human rights — such as the Public Prosecutor’s Office, the Federal Public Defender’s Office, Courts of Accounts, Comptroller’s Offices, External Ombuds Offices, and the National Human Rights Ombudsman — **were not created with the specific mandate** to promote and protect human rights at the national level or to function as Brazil’s National Human Rights Institution.

The CNDH was established to serve as the institution whose primary function is to “ensure the effective respect for human rights by public authorities, services of public relevance, and private actors” in Brazil. Among its functions are: (i) to promote the measures necessary for the prevention, repression, sanction, and reparation of conduct and situations contrary to human rights, including those provided for in international treaties and instruments ratified by the country, and to determine the respective responsibilities; (ii) to oversee the national human rights policy and to suggest and recommend guidelines for its implementation; (iii) to receive petitions or complaints concerning conduct or situations contrary to human rights and determine the respective responsibilities; and (iv) to issue recommendations to public and private entities involved in the protection of human rights, establishing a reasonable time limit for compliance or for justification of the impossibility of doing so (Law No. 12.986/2014).

The Public Defender’s Office was created as the institution whose primary function is to “provide legal guidance and to exercise the defense of those in need, at all levels of jurisdiction.” Among its functions are: (i) to file public civil actions and all types of legal actions; (ii) to promote the broadest defense of the fundamental rights of those in need, covering their individual, collective, social, economic, cultural, and environmental rights, through all forms of action capable of providing adequate and effective protection; (iii) to initiate private criminal actions and subsidiary criminal actions; and (iv) to act before Special Courts (Complementary Law No. 80/1994).

The comparative table of the institutional functions of the CNDH, the Federal Public Defender’s Office (DPU), and the Public Prosecutor’s Office (MPU) (Annex) clearly demonstrates which institution was created by the Brazilian State to serve as its National Human Rights Institution (NHRI).

The legal instrument that established Brazil's NHRI included the Public Prosecutor's Office and the Federal Public Defender's Office in its composition, as well as the National Congress (representative democracy) and representatives elected by civil society (participatory democracy), with the aim of fostering synergy in their activities, each acting within its respective sphere of competence.

The **CNDH is Brazil's National Human Rights Institution** by explicit legal determination of the Brazilian State. It enjoys national recognition from civil society and Brazilian institutions, as well as international recognition of its activities, although it has not yet been formally accredited as such.

The model chosen by the Brazilian State for its NHRI is based on a collegiate structure with broad social participation, which corresponds to the country's national context and to the principle of pluralism established by the Paris Principles.

Brasília, March 18, 2026.

**Deborah Duprat** is a lawyer and retired Deputy Prosecutor General of the Republic, served as Deputy Prosecutor General of the Republic from 2009 to 2013 and temporarily held the position of Prosecutor General of the Republic in 2009. In May 1989, she was appointed to a permanent commission of the Federal Public Prosecutor's Office responsible for defending the rights of Indigenous peoples. She was a member of the 6th Chamber of Coordination and Review from 1997 to 2016 and served as its coordinator from 2004 to 2016. She also led the Federal Prosecutor's Office for Citizens' Rights (PFDC), a body of the Federal Public Prosecutor's Office dedicated to the promotion and protection of human rights, from 2016 to 2020. In addition, she served as a member of the National Human Rights Council (CNDH), representing the Federal Public Prosecutor's Office.

**Leandro Gaspar Scalabrin** is a lawyer for popular movements (MAB, MST, MLNM, Via Campesina), a member of the National Network of People's Lawyers (RENAP), and a human rights defender. He was a member of the CDDPH Working Group on Dams between 2007 and 2010 and of the monitoring group for the report on human rights violations related to dams between 2010 and 2014. He served as a member of the Rio Grande do Sul State Human Rights Council for the 2014–2016 term. He was a member of the CNDH during the 2018–2020 and 2020–2022 terms and served as a member of the CNDH Executive Board between 2021 and 2022.

**Paulo César Carbonari** is a philosopher, professor, and popular educator with a doctorate in philosophy from the University of Vale do Rio dos Sinos (Unisinos). A human rights activist, he served in the national coordination of the National Human Rights Movement (MNDH Brazil) from 2002 to 2010 and from 2018 to the present. He was a member of the Brazilian Committee for Human Rights Education (2006–2017), a full member of the Rio Grande do Sul State Human Rights Council (CEDH-RS) since 2014, and served as its president from 2014 to 2020. He was also a member of the working group responsible for systematizing the Third National Human Rights Program (PNDH-3) and of the Sales Pimenta technical working group responsible for drafting the proposal for the National Plan for the Protection of Human

Rights Defenders. He has monitored international human rights commitments before the United Nations since 2003.

## **ANNEX**

Comparative table of institutional functions established by Brazilian law for the CNDH, DPU, and MPU (PFDC)

<b>CNDH</b>	<b>DPU</b>	<b>MPU (PFDC)</b>
Law No. 12,986/2014 <sup>50</sup>	Complementary Law No. 80/1994 and amendments <sup>51</sup>	Complementary Law No. 75/1993 <sup>52</sup>
<p>Article 4. The CNDH is the body responsible for ensuring the effective respect for human rights by public authorities, services of public relevance, and private actors, and shall have the following responsibilities:</p> <p>I – to promote the measures necessary for the prevention, repression, sanction, and reparation of conduct and situations contrary to human rights, including those provided for in international treaties and instruments ratified in the country, and to determine the respective responsibilities;</p> <p>II – to oversee the national human rights policy and may suggest and recommend guidelines for its implementation;</p> <p>III – to receive petitions or complaints concerning conduct or situations contrary to human rights and determine the respective responsibilities;</p> <p>IV – to issue recommendations to public and private entities involved in the protection of human rights, establishing a reasonable time limit for compliance or for justification of the impossibility of doing so;</p> <p>V – (VETOED);</p> <p>VI – to coordinate with federal, state, Federal District, and municipal bodies responsible for the protection and defense of human rights;</p> <p>VII – to maintain exchange and cooperation with public or private entities, whether national or international, with the objective of protecting human rights and achieving the other purposes provided for in this article;</p> <p>VIII – to monitor compliance with obligations related to the defense of human rights arising from international agreements,</p>	<p>Article 4. The institutional functions of the Public Defender’s Office include, among others:</p> <p>I – to provide legal guidance and to exercise the defense of those in need at all levels of jurisdiction;</p> <p>II – to promote, as a priority, the extrajudicial resolution of disputes, aiming at reconciliation between persons in conflict of interest through mediation, conciliation, arbitration, and other dispute resolution and conflict management techniques;</p> <p>III – to promote the dissemination and awareness of human rights, citizenship, and the legal system;</p> <p>IV – to provide interdisciplinary assistance through bodies or staff members belonging to its support careers for the exercise of its functions;</p> <p>V – to exercise, upon receipt of the case files for review, full defense and adversarial proceedings on behalf of natural and legal persons in administrative and judicial proceedings before all bodies and at all levels of jurisdiction, whether ordinary or extraordinary, using all measures capable of ensuring the adequate and effective defense of their interests;</p> <p>VI – to submit petitions to international human rights protection systems and to appear before their bodies;</p> <p>VII – to initiate public civil actions and all other types of actions capable of providing adequate protection of diffuse, collective, or homogeneous individual rights when the outcome of the action may benefit groups of persons in vulnerable socioeconomic conditions;</p>	<p>Article 5. The institutional functions of the Public Prosecutor’s Office of the Union include:</p> <p>I – the defense of the legal order, the democratic regime, social interests, and inalienable individual interests, including, among others, the following foundations and principles:</p> <p>a) sovereignty and popular representation;</p> <p>b) political rights;</p> <p>c) the fundamental objectives of the Federative Republic of Brazil;</p> <p>d) the indissolubility of the Union;</p> <p>e) the independence and harmony of the Powers of the Union;</p> <p>f) the autonomy of the States, the Federal District, and the Municipalities;</p> <p>g) the prohibitions imposed on the Union, the States, the Federal District, and the Municipalities;</p> <p>h) legality, impersonality, morality, and publicity in relation to the direct, indirect, or foundation-based public administration of any of the Powers of the Union;</p> <p>II – to ensure compliance with the constitutional principles relating to:</p> <p>a) the tax system, the limitations on the power to tax, the distribution of taxing authority and tax revenues, and taxpayers’ rights;</p> <p>b) public finances;</p> <p>c) economic activity, urban policy, agricultural and land policy and agrarian reform, and the national financial system;</p> <p>d) social security, education, culture and sports, science and technology, social communication, and the environment;</p> <p>e) public security;</p>

<sup>50</sup> See [https://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2014/lei/l12986.htm](https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l12986.htm)

<sup>51</sup> See [https://www.planalto.gov.br/ccivil\\_03/leis/lcp/lcp75.htm](https://www.planalto.gov.br/ccivil_03/leis/lcp/lcp75.htm)

<sup>52</sup> See [https://www.planalto.gov.br/ccivil\\_03/leis/lcp/lcp80.htm](https://www.planalto.gov.br/ccivil_03/leis/lcp/lcp80.htm)

<p>producing reports and providing the necessary cooperation to the Ministry of Foreign Affairs; IX – to issue opinions on normative, administrative, and legislative acts relevant to the national human rights policy and to draft legislative proposals and normative acts related to matters within its competence; X –to conduct studies and research on human rights and to promote actions aimed at disseminating the importance of respecting those rights;</p> <p>XI – to recommend the inclusion of specific human rights content in school curricula, especially in the training courses of police forces and of bodies responsible for the defense of the State and democratic institutions;</p> <p>XII – to give special attention to areas with a higher incidence of human rights violations and, where appropriate, to promote the establishment of CNDH representations in such areas for as long as necessary;</p> <p>XIII – (VETOED);</p> <p>XIV – to submit representations:</p> <p>a) to the competent authority for the initiation of a police inquiry or administrative proceeding aimed at determining responsibility for human rights violations or for failure to promote them, including the provisions established in item XI, and for the application of the respective penalties;</p> <p>b) to the Public Prosecutor’s Office so that, within the exercise of its functions, it may promote measures related to the defense of threatened or violated human rights;</p> <p>c) to the Prosecutor General of the Republic for the purposes of federal intervention, in the situation provided for in item b of subsection VII of Article 34 of the Federal Constitution;</p> <p>d) to the National Congress, with the aim of ensuring the effective exercise of the competences of its Houses and Committees regarding matters related to human rights;</p>	<p>VIII – to exercise the defense of individual, diffuse, collective, and homogeneous individual rights, as well as consumer rights, in accordance with item LXXIV of Article 5 of the Federal Constitution;</p> <p>IX – to file petitions for <b>habeas corpus</b>, writ of injunction (mandado de injunção), <b>habeas data</b>, and writ of mandamus (mandado de segurança), or any other action in defense of the institutional functions and prerogatives of its enforcement bodies;</p> <p>X –to promote the broadest defense of the fundamental rights of those in need, covering their individual, collective, social, economic, cultural, and environmental rights, through all forms of legal action capable of ensuring their adequate and effective protection;</p> <p>XI – to defend the individual and collective interests of children and adolescents, the elderly, persons with disabilities, women victims of domestic and family violence, and other socially vulnerable groups deserving special protection by the State;</p> <p>XII - (VETOED);</p> <p>XIII – (VETOED);</p> <p>XIV – to monitor police investigations, including the immediate notification by the police authority of arrests <i>in flagrante</i> (caught in blazing offence) when the detainee has not appointed a lawyer;</p> <p>XV – to initiate private criminal prosecutions and subsidiary criminal prosecutions;</p> <p>XVI – to exercise the function of special curator in cases provided for by law;</p> <p>XVII – to act in police stations, penitentiary institutions, and juvenile detention facilities in order to ensure that persons, under any circumstances, fully exercise their fundamental rights and guarantees;</p> <p>XVIII – to act in the preservation and reparation of the rights of persons who are victims of torture, sexual abuse, discrimination, or any other form of oppression or violence, providing interdisciplinary support and assistance to the victims;</p>	<p>III – the defense of the following assets and interests:</p> <p>a) national heritage;</p> <p>b) public and social assets;</p> <p>c) Brazilian cultural heritage;</p> <p>d) the environment;</p> <p>e) collective rights and interests, especially those of Indigenous communities, the family, children, adolescents, and the older people;</p> <p>IV – to ensure the effective observance by the public authorities of the Union, services of public relevance, and the mass media of the principles, guarantees, conditions, rights, duties, and prohibitions established in the Federal Constitution and in the laws relating to social communication.</p> <p>V – to ensure the effective observance by the public authorities of the Union and by services of public relevance with respect to:</p> <p>a) the rights guaranteed in the Federal Constitution relating to health actions and services and to education;</p> <p>b) the principles of legality, impersonality, morality, and publicity;</p> <p>VI – to perform other functions provided for in the Federal Constitution and in the law.</p>
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XV – to carry out investigative procedures concerning conduct and situations contrary to human rights and to apply sanctions within its competence;  
XVI – to issue statements, by express deliberation of the absolute majority of its council members, on crimes that, due to their characteristics and repercussions, should be considered human rights violations of exceptional gravity, for the purpose of monitoring the measures necessary for their investigation, prosecution, and adjudication.

XIX – to act before Special Courts;  
XX – to participate, when holding a seat, in federal, state, and municipal councils related to the institutional functions of the Public Defender's Office, respecting the attributions of its respective branches;  
XXI – to execute and receive court-awarded attorney's fees resulting from its actions, including those owed by public entities, allocating them to funds administered by the Public Defender's Office and used exclusively for the institutional strengthening of the Public Defender's Office and for the professional training of its members and staff;  
XXII – to convene public hearings to discuss matters related to its institutional functions.

