



***Permanent Mission of Brazil to the United Nations
and other International Organizations in Geneva***

Geneva, December , 2016

HUMAN RIGHTS REGISTRY H.C. 1/12	
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Nº 677 /2016

Excellency,

I have the honor to refer to the press release issued by the Special Rapporteur on extreme poverty and human rights and endorsed by the Special Rapporteur on the right to education, dated 9 December. The communication follows a letter by the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to education; and the Special Rapporteur on right to health (document AL BRA 7/2016), dated 8 December, on the same issue.

2. The Brazilian Government prizes the independence and autonomy of the special procedures. Nevertheless, we cannot but express our deepest inconformity with the text contained in the press release.

3. We regret that the press release was published prior to receiving the comments requested in the aforementioned letter. It presents preconceived conclusions about the effects of the draft constitutional amendment 55/2016 (PEC55/2016), which is currently under discussion by the Brazilian Congress, without taking into account the arguments which solidly underpin the initiative. The Brazilian Government believes that this method of work is not compatible with the high standards of responsibility and impartiality by which all special procedures should abide.

4. Brazil repudiates the references contained in the press release that question the legitimacy of the current Government to present such

initiatives to Congress. It should be recalled that the process that culminated in the impeachment of President Dilma Rousseff and the assumption of then Vice-President Michel Temer, strictly followed all the legal norms and procedures, as mandated by the Brazilian Federal Constitution. Furthermore, the process was supervised and confirmed by the Federal Supreme Court.

4. It is inaccurate to affirm that the draft constitutional amendment has not been duly debated in Brazil. Since PEC55/2016 was presented in the House of Deputies, on 15 June 2016, it has been under public scrutiny for almost six months. In accordance with the Brazilian law, all constitutional amendments must be approved by a 3/5 qualified majority on two rounds of voting by both Houses of Parliament. Under this process, PEC55/2016 was approved by the Chamber of Deputies with a significantly higher margin than the required majority (366 votes in favor in the first round and 359 votes in the second round out of a total of 513 Deputies). Since 26 October, PEC55/2016 has been under consideration by the Federal Senate, where it has been approved in a first round of voting with an ample margin (61 votes in favor and 14 against).

5. During all this period, the initiative has been debated inside and outside Congress, in an intense, productive and democratic process with the full participation of the press and the public opinion.

6. The Brazilian Government is convinced that PEC55/2016 is urgently required to address the current recession and revert the growing budget deficit. Without the new fiscal regime envisaged by the draft constitutional amendment, the Government believes that there is a grave risk of financial instability, economic recession and uncontrolled inflation. In the absence of such regime, unemployment and poverty levels would inevitably rise and social programs would need to be curtailed. Areas such as health, education and social assistance would immediately suffer, with serious adverse consequences to the human rights of the population, in particular vulnerable groups.

7. On behalf of the Brazilian Government, I take this opportunity to reassure the Office of the High Commissioner for Human Rights that

PEC55/2016 does not affect our unwavering commitment to promoting economic, social and cultural rights, in accordance with international human rights law. As established by the Committee on Economic, Social and Cultural Rights, the measures contained in the draft constitutional amendment are temporary, necessary and non-discriminatory, in line with our obligations in the international human rights system.

Sincerely,

A handwritten signature in black ink, reading "Regina M. C. Dunlop". The signature is written in a cursive style with a large initial 'R' and a long, sweeping tail on the 'p'.

Regina Maria Cordeiro Dunlop

Ambassador

Permanent Representative of Brazil