



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

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch) and has the honor to present herewith attached comments of the Government of Brazil with regard to communication **AL/BRA/15/2019**.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, October 21<sup>st</sup>, 2020



Office of the High Commissioner of Human Rights  
Special Procedures Branch

## **AL/BRA/15/2019**

The Brazilian Government refers to the communication AL BRA 15/2019, by the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members, in connection to the status of procedures to address the situation of children separated from their parents affected by leprosy, also known as Hansen's disease, between the decades of 1920 and 1980. In reply, Government presents the following comments, based on information received from the São Paulo State Federal Justice Civil Court and the Ministry of Women, Family and Human Rights (MMFDH).

### **QUESTION 1**

The General Coordination of the Interministerial Evaluation Commission has the following data regarding requests of special pension for people affected by leprosy who were hospitalized and compulsorily isolated in colony hospitals until December 31, 1986. Number of requests received 12,659 Number of accepted requests 9,026.

### **QUESTION 2**

Brazil has a decentralized free public health system (SUS - Sistema Único de Saúde - Unified Health System), accessible to all Brazilians. In the case of people that require psychological and/or psychiatric treatment, the National Mental Health Policy develops strategies to consolidate an open and community-based care model. This strategy guarantees assistance to any Brazilian citizen, including children separated from their parents affected by Hansen's disease, in the care units for people in psychological distress who, when attended to, can have their pain and suffering mitigated.

### **QUESTION 3**

The public civil suit n. 5027109-19.2017.4.03.6100, filed in 2017, in the 4th São Paulo State Federal Justice Civil Court is currently in the 2nd instance awaiting judgment of the appeal filed by MORHAN (Movement of Reintegration of Persons Affected by Hansen's disease). The public civil suit was presented by MORHAN for compensation regarding the damages suffered by the children separated from their parents affected by leprosy, also known as Hansen's disease, between the decades of 1920 and 1980, due to the compulsory and segregationist isolation of their biological parents with Hansen's disease. The appeal was filed because the civil suit was dismissed, without addressing the merit of the case. The magistrate understood that MORHAN did not fulfill the formal requirements that authorized it to plead the case on behalf of its associates (lack of individual or assembly authorization). In other words, the magistrate did not analyze the merit itself and extinguished the suit. For this reason, an appeal was filed, and it is still awaiting judgment at the second instance. The Public Prosecutor's Office has already expressed its support for the suit.

#### QUESTION 4, 5 AND 6

It should be noted that there is no definitive record of the number of children separated due to Hansen's disease, given that many of the cases took place between 40-100 years ago. In 2012, the then Ministry of Human Rights undertook a survey, but it needs to be updated. With regard to the public civil suit on this issue, it is still pending a final decision, as stated above. In 2012, an internal Working Group was created to promote discussions on compensation to children of parents with Hansen's disease who were subjected to compulsory isolation. The objective was to develop studies to establish the social, historical and legal justifications that will serve as a basis for the creation of the future Interministerial Working Group within the scope of the Federal Government. The latter is responsible for defining the criteria and parameters for the possible granting of the eventual benefit. This Working Group had access to the real situation of the children separated from parents with Hansen's disease who were subjected to compulsory isolation. They were separated from their family due to the imposition of the Hansen's disease prophylaxis policy adopted in the country, at the time. In addition, a survey was conducted in all colonies on the conditions of the separated children, including an initial registration with the names of all separated children.

In conclusion, thanks for your important contribution and reassures its commitment to take steps to guarantee that the rights and needs of Brazilians affected by Hansen's are fully met, to ensure their well-being and inclusion in society.