



*Permanent Mission of Brazil to the United Nations Office 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 United Nations High Commissioner for Human Rights and has the honour to refer to the communication AL BRA 4/2025, dated April 23<sup>rd</sup> 2025.

The Permanent Mission would like to submit the attached information from the Government of Brazil regarding an alleged misuse of parental alienation laws against Brazilian citizen [REDACTED]

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



Geneva, June 30<sup>th</sup> 2025.

To the  
Office of the United Nations High Commissioner for Human Rights  
(OHCHR), Special Procedures Branch  
ohchr-registry@un.org



**FEDERATIVE REPUBLIC OF BRAZIL**

**SPECIAL PROCEDURES OF THE HUMAN RIGHTS COUNCIL  
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN  
RIGHTS**

**OHCHR. AL BRA 4/2025.** [REDACTED]

**June 2025**

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## I – INTRODUCTION

The present report aims to provide information regarding Allegation Letter AL BRA 4/2025 sent by the Office of the United Nations High Commissioner for Human Rights (OHCHR), signed by the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem. The letter conveys concerns about an alleged misuse of parental alienation laws against Brazilian citizen ██████████.

It is reported that ██████████, a recognized advocate against corruption in the judiciary and against the misuse of parental alienation laws, allegedly lost custody of her son, ██████████—then three years old—in December 2023, and has been unable to establish any contact with him since August 2024. ██████████ a child with special needs diagnosed as being on the autism spectrum, requires strict routines, continuous medication, and specialized care, all of which are said to have been interrupted since his separation from ██████████, who has been his primary caregiver since birth.

██████████ married ██████████ in 2017 after cohabiting since 2012. The couple separated in 2021 when ██████████ left the home and initiated divorce proceedings, which have been delayed due to disputes over the division of assets. Since the separation, ██████████ filed six requests for protective measures due to episodes of domestic violence. The first of these requests, made on May 7, 2023, was granted for six months and later extended for an equal period based on evidentiary elements. However, this measure was subsequently revoked on the grounds that the facts were "related to child custody."

The most recent request for protective measures, filed in September 2024, was denied on the basis that the alleged acts did not constitute gender-based violence as defined by Article 5 of Law No. 11.340/2006 (Maria da Penha Law).

On May 16, 2023, ██████████ moved with her son to the municipality of Itajaí, Santa Catarina, while ██████████ remained in Porto Alegre, Rio Grande do Sul. In December 2023, despite protective measures still in force against ██████████, the Brazilian judiciary transferred custody of ██████████ to him, based on the alleged parental alienation by the mother. According to ██████████ accounts, the court decision lacked substantial reasoning and failed to consider both the father's history of domestic violence and the child's special needs.

Fearing for her son's safety, ██████████ allegedly took refuge with ██████████ in Brasília around April 2024. As a result of this action, a police investigation was launched against her

under the criminal classification of kidnapping a person with disabilities, which led to a Civil Police operation in Santa Catarina. On August 2, 2024, police officers reportedly removed ██████ by force from his mother's residence, allegedly injuring her during the operation and taking her into custody without a judicial warrant. ██████ was later released, but has since been prevented from having any contact with her son.

Additionally, ██████ claims to have been subjected to intimidation by judicial and police authorities, including threats via phone calls and messages. In January 2024, she received assistance from the Human Rights Defenders Protection Program (PPDDH). Finally, ██████ alleges that she did not receive free legal assistance from the State, either to file her claims or to defend herself in the proceedings concerning allegations of parental alienation.

Accordingly, on April 23, 2025, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested the following information from the State:

1. To provide additional information and/or comments the Brazilian government may have on the aforementioned allegations;
2. To provide information on all instances in which ██████ has been detained since 2017, including the legal basis for all charges against her, factual allegations, and decisions made by governmental or state authorities regarding the case(s);
3. To provide information on the measures adopted by the Brazilian government to prevent the misuse of parental alienation laws against women survivors of domestic violence under the current legal framework;
4. To provide information on how allegations of partner violence and violence against women and children are considered in custody decisions in divorce proceedings, including in the case of ██████ and her son;
5. To explain what measures the Brazilian government has adopted to protect victims of domestic violence, including ██████, from further violence and revictimization, as required by the Convention on the Elimination of All Forms of Discrimination against Women;
6. To provide information on the measures taken by the Brazilian government to protect women human rights defenders and activists documenting the misuse of parental alienation laws from reprisals, threats, intimidation, and violence, including from judicial authorities.

On this occasion, the Brazilian State respectfully submits the following information.

## II – ANSWER FROM THE STATE

### II.1 – Information Regarding Legal Proceedings Involving [REDACTED] and Legal Assistance Provided

This section addresses the information requested under items 1 and 2 of the communication:

- (1) To provide additional information and/or comments the Brazilian Government may have on the aforementioned allegations;
- (2) To provide information on all instances in which [REDACTED] has been detained since 2017, including the legal basis for all charges brought against her, factual allegations, as well as decisions taken by governmental or state authorities regarding the case(s).

It was verified that the domestic violence complaints filed by [REDACTED] were processed before the Court of Justice of the State of Rio Grande do Sul. The following Urgent Protective Measures proceedings were located, in which [REDACTED] is the petitioner and Everton is the respondent:

**a) Case No. 5081368-78.2023.8.21.0001 – URGENT PROTECTIVE MEASURES (MARIA DA PENHA LAW) – CRIMINAL**

Subjects: Threat (Art. 147), Crimes against personal freedom, CRIMINAL LAW, Domestic Violence Against Women, CRIMINAL LAW. On **May 7, 2023**, a protective measure was granted to prohibit the respondent from approaching the petitioner, her residence, and her workplace. On **November 8, 2023**, the court decided to maintain the protective measures for an additional six months, valid until May 8, 2024. On **March 21, 2024**, the protective measures were revoked on the grounds that there was no longer a situation of violence or threat of violence directed at the petitioner. On **June 17, 2024**, the appeal filed was adjudicated, upholding the revocation of the protective measures.

**b) Case No. 5207533-39.2024.8.21.0001 – Urgent Protective Measures – Children and Adolescents (Henry Borel Law – Law No. 14.344/2022) – Criminal**

Subjects: Mistreatment (Art. 136), Danger to Life and Health, Affray, CRIMINAL LAW, Crime / Misdemeanor against Child / Adolescent, CRIMINAL LAW. On **September 16, 2024**, the request for the application of protective measures was denied on the grounds that “the family conflicts are already the subject of judicial intervention before the competent jurisdiction, namely the Family Court, and I understand that a hasty intervention by the criminal court would likely aggravate the context, in addition to encroaching on issues that should remain within the civil sphere.” The decision also notes that “it is evident that the belligerent situation between the parents has reached the point where both are requesting protective measures from the criminal court against each other, alleging that harm is being caused to the child.”

**c) Case No. 5207633-91.2024.8.21.0001 – URGENT PROTECTIVE MEASURES (MARIA DA PENHA LAW) – CRIMINAL**

Subjects: Threat (Art. 147), Crimes against personal liberty, CRIMINAL LAW, Domestic Violence Against Women, CRIMINAL LAW. On **September 25, 2024**, the court **denied** the request for urgent protective measures, stating that “the alleged acts of violence committed by the offender, although they may have occurred within the family/domestic context, were not based on gender-related issues, and therefore do not meet the requirements of Article 5 of Law No. 11.340/06, which is the basis for the denial of the request.”

**d) Case No. 5216871-37.2024.8.21.0001 – URGENT PROTECTIVE MEASURES (MARIA DA PENHA LAW) – CRIMINAL**

Subjects: Psychological violence against women, Crimes against personal liberty, CRIMINAL LAW, Domestic Violence Against Women, CRIMINAL LAW. On **September 25, 2024**, the court also denied the request, stating that “the parties have another proceeding pending before this court, under case number 5207633-91.2024.8.21.0001.”

Additionally, it is important to inform that case No. **5091555-14.2024.8.21.0001** was also located, in which [REDACTED] appears as the respondent.

**a) Case No. 5091555-14.2024.8.21.0001 – URGENT PROTECTIVE MEASURES IN FAVOR OF A CHILD – CHILDREN AND ADOLESCENTS (Henry Borel Law – Law No. 14.344/2022):**

On **April 23, 2024**, the court denied the request. On **May 3, 2024**, it reiterated that “as stated in the denial decision, there are no reasons or concrete elements that justify the adoption of urgent protective measures, given that the issues presented, related to the child [REDACTED] have already been addressed by the Family Court of the Judicial District of Itajaí/SC in the corresponding contentious divorce case.”

The appeal filed concerning the request for protective measures—specifically, the removal of the mother and the subsequent handover of the child to the appellant—was rendered moot on **September 24, 2024**, as the search and seizure order No. 5000027-88.2024.8.24.0008/SC, issued by the Family Court of the Judicial District of Itajaí/SC, had already been executed, and the child is currently in the custody of his father.

The following civil cases under the jurisdiction of the Family Court were located, in which [REDACTED] is the plaintiff and [REDACTED] is the defendant:

**a) Case No. 5003615-52.2023.8.21.1001 – PARTITION ACTION**

Subjects: Matrimonial Property Regime, Family, CIVIL LAW

**b) Case No. 5003988-54.2021.8.21.1001 – CONTESTED DIVORCE**

Subjects: Dissolution, Marriage, Family, CIVIL LAW; Spousal Support, Family, CIVIL LAW; Child Custody, Kinship Relations, Family, CIVIL LAW

**c) Case No. 5048268-64.2025.8.21.0001 – PARTITION ACTION**

Subjects: Kinship Relations, Family, CIVIL LAW; Partition, Dissolution, Marriage, Family, CIVIL LAW. Case No. 5167015-07.2024.8.21.0001 – ORDINARY CIVIL PROCEEDING  
Subjects: Child Search and Seizure, Kinship Relations, Family, CIVIL LAW; Custody, Kinship Relations, Family, CIVIL LAW

**d) Case No. 5167563-32.2024.8.21.0001 – CONTESTED DIVORCE**

Subjects: Custody, Kinship Relations, Family, CIVIL LAW; Dissolution, Marriage, Family, CIVIL LAW; Visitation Rights, Kinship Relations, Family, CIVIL LAW; Spousal Support, Family, CIVIL LAW

**e) Case No. 5151584-30.2024.8.21.0001 – ENFORCEMENT OF JUDGMENT**

Subjects: Child Search and Seizure, Kinship Relations, Family, CIVIL LAW; Daily Fine / Coercive Fine (Astreintes), Liquidation / Enforcement / Execution, CIVIL PROCEDURE AND LABOR LAW

**f) Case No. 5166816-82.2024.8.21.0001 – ENFORCEMENT OF JUDGMENT**

Subjects: Search and Seizure, Obligation to Deliver, Liquidation / Enforcement / Execution, CIVIL PROCEDURE AND LABOR LAW; Daily Fine / Coercive Fine (Astreintes), Liquidation / Enforcement / Execution, CIVIL PROCEDURE AND LABOR LAW

Analyzing the documents from the aforementioned cases, it was possible to infer that in cases **5003988-54.2021.8.21.1001 – CONTESTED DIVORCE** and **5167563-32.2024.8.21.0001 – CONTESTED DIVORCE**, issues appear that may be related to the controversy pointed out in the Letter of Allegations. Below are the main excerpts from the decisions issued in the aforementioned proceedings:

**a) Case No. 5003988-54.2021.8.21.1001 – CONTESTED DIVORCE** – Subjects: Dissolution, Marriage, Family, CIVIL LAW; Support, Family, CIVIL LAW; Custody, Kinship Relations, Family, CIVIL LAW:

“The Judge stated that the proposed conciliation was partially successful in the following terms: the parties agree with the decree of Divorce. The parties do not agree on joint custody, but custody and residence of the child will for now remain with the mother, with the father having the right to visitation on alternate weekends, picking up at 9 a.m. on Saturday and returning on Sunday at 8 p.m. He will also have the right of visitation on Wednesdays, picking up after school and returning on Thursday at school as well. The parties do not agree regarding joint custody and support, which will be subject to further instruction. The Public Prosecutor's Office opined for partial homologation of the agreement. The Judge stated that he HOMOLOGATED the partial agreement reached between the parties so that it may produce its legal and juridical

effects, decreeing the DIVORCE of the couple, and the divorced woman returns to using her maiden name.” (...)

“I accept the statement of the Public Prosecutor's Office in event 302, which I adopt as reasons for deciding, to avoid tautology, and I grant the request for alteration and expansion of paternal/filial visitation, in the terms requested by the father, as already set out in the statement of the Public Prosecutor's Office in event 275, now added the necessary change regarding weekends. Regarding the requested official letter, and not being justified the need for the request, I deny the issuance of the official letter to the Criminal Court, as requested.” The case has been closed since **March 7, 2025**, with the determination of jurisdiction decline to the court of the Comarca of Itajaí/Santa Catarina.

b) **Case No. 5167563-32.2024.8.21.0001** – CONTESTED DIVORCE – Subjects: Custody, Kinship Relations, Family, CIVIL LAW; Dissolution, Marriage, Family, CIVIL LAW; Regulation of Visits, Kinship Relations, Family, CIVIL LAW; Support, Family, CIVIL LAW:

“Indeed, the family context is quite conflictive, requiring new evaluations to verify the custody and visitation regime that best serves the interests of the child, considering that the last evaluations were conducted in 2022, according to reports in event 1, OUT4 pages 132 and 462. Furthermore, I emphasize that at the same time a psychiatric evaluation of the parents was ordered, only the plaintiff was evaluated – event 1, OUT2 – page 168 – and the defendant did not appear at the CAPM premises. Therefore, I order the renewal of the home social and psychological evaluation of all involved, urgently, and the psychologist technician must indicate the necessity (or not) of psychiatric evaluation. Regarding maternal visitation, it must take place on the premises of CAPM. CAPM is hereby requested to proceed urgently.”

The following criminal cases were located in which [REDACTED] is the Defendant:

a) **Case No. 5001240-44.2024.8.21.1001** – SUMMARY PROCEEDINGS – Subject: Disobedience (art. 330), Crimes committed by a private individual against the Administration in general, CRIMINAL LAW: On **April 1, 2024**, the Public Prosecutor's Office of RS issued an opinion on the Summary Proceeding instituted to investigate the alleged crime of disobedience, on 10/07/2023, in Porto Alegre. According to the police occurrence report, the alleged perpetrator was preventing or hindering the ex-partner’s visits to the minor child,

thereby disobeying the judicial custody order for the child. On **April 4, 2024**, the court accepted the Public Prosecutor's opinion for archiving the case.

b) **Case No. 5069998-44.2019.8.21.0001** – CRIMINAL ACTION – ORDINARY PROCEDURE – Subjects: Serious bodily injury (art. 129, §1), Bodily Injury, CRIMINAL LAW; Crime/Contravention against Child/Adolescent, CRIMINAL LAW: On **April 16, 2025**, the court ruled the punitive claim unfounded and acquitted the accused [REDACTED] of the charges in the indictment, with the justification that in this case “what was presented in court is no more than a family disagreement between mother and daughter who quarreled, exchanged insults and resulted in aggression, a fact supported by emotions involving the custody dispute of the victim and her hostile behavior, a scenario that raises doubts about the defendant's intent.” On **May 15, 2025**, an appeal was submitted to the Court of Justice of Rio Grande do Sul. Judgment is pending.

c) **Case No. 5114110-88.2025.8.21.0001** – CRIMINAL ACTION – ORDINARY PROCEDURE – Subjects: Home invasion (art. 150), Crimes against home inviolability, CRIMINAL LAW; Removal of minors, Crime against parental authority and guardianship, Crimes against Family, CRIMINAL LAW: On **September 15, 2024**, [REDACTED] allegedly entered the residence of the ex-husband and abducted the minor [REDACTED] son of [REDACTED] [REDACTED] who had sole custody. The indictment was accepted on **May 5, 2025**, and the defendant was summoned on **May 22, 2025**.

d) **Case No. 5227581-19.2024.8.21.0001** – POLICE INQUIRY – Subjects: Removal of minors, Crime against parental authority and guardianship, Crimes against Family, CRIMINAL LAW; Home invasion (art. 150), Crimes against home inviolability, CRIMINAL LAW: On April 29, 2025, the Public Prosecutor's Office informed that it had filed charges in Criminal Action No. 5114110-88.2025.8.21.0001.

e) **Case No. 5333439-39.2024.8.21.0001** – POLICE INQUIRY – Subjects: Crime of Breach of Protective Order, Crimes Provided in the Maria da Penha Law, Crimes Provided in Extravagant Legislation, CRIMINAL LAW: Registered on **December 23, 2024**, this is a police inquiry initiated from police report No. 87999/2024/400010 to investigate the alleged crime of breach of protective order, with [REDACTED] as suspect and [REDACTED] as victim. There were no sufficient indications that the crime of breach of protective order was committed by the investigated, so [REDACTED] was indicted for false accusation (denúncia caluniosa).

f) **Case No. 5202053-80.2024.8.21.0001** – UNNAMED CRIMINAL INJUNCTION – Subjects: Threat (art. 147), Crimes against personal freedom, CRIMINAL LAW: The Public Prosecutor’s Office requested dismissal of the unnamed injunction, considering that there is an ongoing police inquiry related to the case. On **February 4, 2025**, the court accepted the request of the Public Prosecutor, who is the holder of the criminal action, and ordered the closure and archiving of the case.

Regarding the criminal investigation related to the crime of subtraction of incapable, it was verified that the facts were initially investigated in **Police Inquiry No. 0704741-12.2024.8.07.0008**, before the **Court of Justice of the Federal District and Territories (TJDFT)**. On **September 30, 2024**, the magistrate responsible for the Domestic and Family Violence Court against Children and Adolescents of that federative entity ordered the severance of the case, declining jurisdiction as to certain offenses and remitting the records to one of the Courts of the District of Itajaí/SC, for the trial of the crime of subtraction of incapable. Consequently, **Police Inquiry No. 5027987-41.2024.8.24.0033** was filed, currently pending before the Special Criminal Court for Domestic and Family Violence against Women of the District of Itajaí, without a criminal complaint having been filed by the State Public Prosecutor's Office to date.

**It is noted that the information recorded here is confidential, due to the processing of the proceedings under secrecy of justice**, which is why the information transmitted herein respects the legal limits related to the protection of the privacy of the parties involved.

██████ sought assistance from the Federal Public Defender’s Office (DPU) in Brasília on **April 26, 2024**, originating Legal Assistance Process No. 2024/001-02556, assigned to the First Regional Human Rights Public Defender’s Office (DRDH). The applicant narrated that she attended the 2nd CAT/DPU/DF service in order to request legal assistance because she was allegedly suffering violations of her rights. ██████ reported belonging to the Collective Group “Mães na Luta,” which acts in favor of the revocation of the Parental Alienation Law (LAP). She informed that she had custody of her autistic son and, although she had obtained a protective order against the child’s father, due to administrative and procedural violence, the protective order was revoked, custody of the minor was revoked, as well as her assets being seized immediately after the complaints she had been making about the protective measures. She reported that she has been persecuted after denouncing to the Federal Public Prosecutor’s Office the infractions of the family courts in handling her case, being notified to clarify her allegations. ██████ also mentioned that private attorneys refuse to take her case. Information obtained from

the DPU states that [REDACTED] did not submit income proof documents, understanding that she fits the criteria of hypervulnerability and defense of human rights, despite the information regarding criteria of economic insufficiency.

According to the DPU, during the in-person service, it was explained to [REDACTED] that the measures she sought fall under state jurisdiction, considering that the DPU does not act in cases of divorce, custody, or domestic violence. Thus, the case was archived for involving matters under the competence of the state judiciary.

The assisted party referred to residing in Porto Alegre – Rio Grande do Sul, which led to the opening of Assistance Procedure No. 2024/026-8029, on **September 22, 2024**. The Human Rights Defense Center of the Public Defender's Office of the State of Rio Grande do Sul (NUDDH) reported that the assisted party [REDACTED] personally sought the Center on **November 26, 2024**. It was highlighted that service was provided exclusively in relation to her complaint of police violence suffered, since issues related to domestic violence, custody, and parental alienation fall outside the scope of the Center's activities. A multidisciplinary appointment was scheduled virtually – at the assisted party's request – on **December 5, 2024**. The assisted party did not join the virtual appointment at the scheduled time because she did not see the link sent by NUDDH via SMS (text message), which caused the appointment to fail and a new date was scheduled. Thus, on **December 13, 2024**, service was provided to [REDACTED] by the legal and psychosocial team of the Human Rights Defense Center of the Public Defender's Office of the State. The appointment lasted more than two hours and was held virtually because the assisted party was residing in Osório/RS (Annex I).

In that service, [REDACTED] mentioned the history of family and criminal proceedings concerning her two children ([REDACTED] and [REDACTED]). She alleged that, among other issues, she was accused of parental alienation by former partners. She stated that she is persecuted for participating in social movements and for being an activist against the parental alienation law. [REDACTED] also reported three episodes of police violence that allegedly relate to this persecution, occurring in Brasília/DF, Blumenau/SC, and Porto Alegre/RS. She stated that she sought assistance from NUDDH only for the cases of police violence, since the other situations were already being followed by the CNJ, UN, Federal Public Prosecutor's Office, Inter-American Commission on Human Rights (CIDH), and by private attorneys representing her in judicial proceedings.

Regarding this, [REDACTED] reported that her *chácara* in Brasília was invaded by police officers in the execution of a search and seizure warrant for her son. On another occasion, she said she

was assaulted by police officers and suffered a fractured arm. She reported that in Blumenau/SC, there were about five invasions of her home between January and February 2024 by the Civil Police of Santa Catarina. Concerning the incident in Porto Alegre, she reported that on September 15, 2024, around 5:30 p.m., she was at home with her son [REDACTED] (during weekly visitation, as the child is under the father's custody), when she heard several strong knocks on the door. When she looked, there were about six military police officers in the corridor ordering her to open the door. [REDACTED] refused to open and questioned why they were there, and the police alleged it was due to a complaint of home invasion and subtraction of incapable. She stated that she tried to file a complaint against the police officers, but the civil police did not allow it. She alleged that the complaint was made by her ex-husband [REDACTED] who had left the child with her shortly before. [REDACTED] stated she has police reports of the facts and videos of the police actions, which is why she was advised to send to NUDDH the evidence she claimed to have, so that it could be analyzed and the case proceeded. However, the Public Defender's Office of Rio Grande do Sul reported that [REDACTED] never sent the requested documents nor made any further contact with NUDDH.

At the National Justice Council (CNJ), **Proceeding No. 0000800-18.2024.2.00.0000** is underway, opened due to allegations of institutional and psychological violence against the woman in the judicial proceedings 5020185-26.2023.8.24.0033 and 5020278-86.2023.8.24.0033, pending in the Family Court of the District of Itajaí/SC. The proceeding was opened within the National Justice Inspectorate to investigate the conduct of the General Justice Inspectorate of the State of Santa Catarina and the Family Court of the District of Itajaí – SC, due to the need to verify circumstances in which the applicant felt harmed. The circumstances narrated were investigated within the National Justice Inspectorate and **the records have been definitively archived since May 2024. On May 12, 2025**, the National Justice Inspector Minister ordered the reopening of the investigations due to possible new facts that had not been subject to analysis. Access to the records was authorized for the interested party [REDACTED] in order to receive the case in the state in which it is found and, due to possible new facts not yet analyzed in the referred proceeding, the National Justice Inspector ordered the unarchiving of the records and new submission to the Justice Inspectorate of Santa Catarina. On **May 26, 2025**, the General Justice Inspectorate of the State of Santa Catarina acknowledged receipt and reported that no measures would be adopted by that body.

## II.2 – Measures adopted to protect [REDACTED]

In this section, the information related to points 1, 2, and 5 is concentrated:

1. Provide additional information and/or comment(s) that the Brazilian government may have regarding the said allegations;
2. Provide information about all episodes in which [REDACTED] was detained since 2017, including the legal basis for all charges against her, factual allegations, as well as decisions made by governmental or state authorities regarding the said case(s).
5. Explain which measures the Brazilian government has adopted to protect victims of domestic violence, including [REDACTED], against new episodes of violence and revictimization, as required by the Convention on the Elimination of All Forms of Discrimination against Women.

According to information from the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH), [REDACTED] reported facing, for 18 years, judicial proceedings related to domestic violence and accusations of parental alienation, the latter presented on two occasions shortly after complaints of aggression. According to [REDACTED], she identified patterns and groups that allegedly use the Parental Alienation Law to protect aggressors and silence victims. She stated feeling threatened and persecuted by members of the Judiciary and the legal profession in the southern region of the country, in addition to reporting risks associated with her previous professional activity, which, according to her, gave her access to sensitive information related to money laundering schemes. She believes that this information may have motivated institutional persecutions and reprisals, including negative effects on her custody process regarding her son.

After leaving Santa Catarina with her son in April 2024, the then-applicant was attended to in person in Brasília by the Federal Team of the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH), during which she shared her reports. Due to the risk context and persecution reported by [REDACTED] and the delicacy of her situation, clarifications were provided regarding the limits of the Program's actions in the face of judicial decisions, such as the warrant for the search and seizure of the child.

Thus, given the complexity of the case, the initial action of the PPDDH focused on welcoming and qualified listening of the applicant in order to broaden understanding and collect material evidence of the reports. During the follow-up, several support and protection alternatives were suggested to [REDACTED], aiming to expand her support network and enable appropriate referrals for her situation. Among the guidance provided, the suggestion of referral to the Public Defender's Office stood out, aiming at obtaining specialized legal assistance. Contact with the Margarida Alves Collective, an organization recognized for its work defending women's rights, especially in contexts of institutional violence, was also recommended. Moreover, seeking psychosocial follow-up was advised, considering the reports of emotional suffering and the need for qualified technical support. However, [REDACTED] chose not to adhere to any of the proposed alternatives.

On **August 2, 2024**, the Civil Police of the Federal District, through the Child and Adolescent Protection Police Station, in compliance with the search and seizure warrant, accompanied by the Guardianship Council, removed the child from the location and maternal custody and placed the child in a shelter. Subsequently, the child was placed in the custody of the father. On that occasion, monitoring by the Federal PPDDH Team took place regarding the child's well-being and multidisciplinary care for the mother to work on alternatives considering the incident. During the service at the PPDDH, [REDACTED] decided to return to Rio Grande do Sul to be close to her son. In accordance with her decision to return to the state of Rio Grande do Sul, the Federal Team coordinated the transition of the case to the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists of Rio Grande do Sul (PPDDH/RS), which started to jointly follow the applicant's situation and evaluate possible additional referrals.

The Federal PPDDH Team also provided emergency support, with financial transfers intended to cover lodging and transportation costs. It is worth noting that [REDACTED] is currently in the state of Rio Grande do Sul, and that her case was submitted to the consideration of the 5th Ordinary Meeting of the PPDDH Deliberative Council, as provided in Decree No. 9,937/2019, of July 24, 2019 (amended by Decrees No. 10,815/2021 and No. 11,867/2023), as well as in the Federal Team's Program Procedures Manual. At the meeting, held on **December 17, 2024**, it was decided not to include the applicant in the PPDDH, as she currently does not meet the eligibility criteria of the public policy. Thus, no formal protective measures were granted within the scope of the program.

In this regard, it is important to highlight that the PPDDH's purpose is to protect people threatened due to their work promoting and defending human rights. Its actions include qualified listening, coordination with support networks, institutional referrals, and adoption of protective measures in coordination with competent bodies. It is emphasized that the program does not intervene in judicial disputes, such as custody actions. Nor does it replace the justice system, nor does it act as an investigative or legal assistance body.

In the case of [REDACTED], the situations presented to the PPDDH were mostly concentrated on judicial disputes related to the custody of her son. During the service to [REDACTED] [REDACTED] it was clarified that the program cannot intervene in judicial decisions and that it acts in a coordinating manner, seeking solutions that respect the current legislation, with custody matters being beyond the program's competencies. The PPDDH recognizes the importance of carefully and empathetically addressing complaints of institutional and gender violence, dedicating itself to understanding the dimension of this experience, which is why the team offered the necessary support in seeking solutions that guaranteed the well-being of the applicant and her son, providing moments of listening, welcoming, and monitoring of the situation, while the bond with the Team lasted.

### **II.3 – Information about the use of the Parental Alienation Law in divorce proceedings.**

In this section, the information related to point 4 is concentrated:

4. Provide information on how allegations of partner violence and violence against women and children are considered in custody decisions in divorce proceedings, including in the case of [REDACTED] and her child.

Brazilian legislation clearly establishes that situations of domestic and family violence must be considered a determining factor in decisions related to the custody, visitation, and guardianship of children and adolescents. Law No. 13,431/2017, in its Article 5, provides that the victim's testimony must be taken in a protected manner, respecting their stage of development and ensuring their emotional safety.

As informed by the National Justice Council (CNJ), the legal subjects of the Parental Alienation Law are children and adolescents. However, disputes involving the law arise from the pressing need for analysis through a gender perspective, in order to comply with the

Principle of the Best Interest of the Child and Adolescent, especially in litigations where parental antagonism takes place in Family Courts across all state courts and the Federal District. The legal standing of the parties in actions between parents can hinder the real protection of the child or adolescent, especially in cases of domestic and family violence against women and their dependents, with children and adolescents being direct or indirect victims of this violence. The report “Justice in Numbers,” updated until 03/31/2025, states that there are currently 13,642 parental alienation cases pending judgment in the Brazilian Judiciary. There were 7,134 new cases in 2024, and 2,045 new cases have already been distributed in 2025.

The CNJ also instituted the Protocol for Judgments with a Gender Perspective, approved by the Working Group established by CNJ Ordinance No. 27/2021. Its guidelines must be mandatorily adopted throughout the Judiciary, by virtue of CNJ Resolution No. 492, dated March 17, 2023, as an important instrument to ensure that cases involving women’s human rights are appropriately handled. Regarding parental alienation, the Protocol recognizes that such an allegation “has been a frequently used strategy by men who commit aggression and abuse against their former partners and children to undermine violence allegations and seek re-approachment or even sole custody of the child or adolescent.”

The Protocol also emphasizes the importance of the “joint analysis of distributed actions, as well as the special testimony of the minor, according to the procedures established by Law No. 13,431/2017.” It further notes that “not only in criminal proceedings can violence be reported through protective listening; at the first mention of violence, in any of its forms, the judge may subject the child or adolescent to a special testimony, an oral and expert evidence means that can be used in all related processes, including to avoid undue re-victimization.”

Law No. 13,431/2017 establishes that the risk of domestic or family violence is grounds to prevent the exercise of shared custody and imposes on the judge the duty to previously inquire with the Public Prosecutor’s Office and the parties about situations of domestic or family violence involving the couple/ex-couple or their children, amending Articles 1584, §2 of the Civil Code and 699-A of the Code of Civil Procedure, thereby introducing the necessary gender perspective in family law.

Brazilian legislation also establishes that specialized listening and special testimony should support judicial decisions involving protective measures, custody, and criminal liability, ensuring that the child’s or adolescent’s will, as well as their protection against the aggressor,

are effectively considered. As provided in Article 101 of the Child and Adolescent Statute (ECA), the judicial authority may order, as a protective measure, the removal of the aggressor from the child's or adolescent's environment, including in cases where the mother is the victim of domestic violence. The principle of absolute priority (Article 4 of the ECA) guides the application of measures safeguarding the physical, psychological, and emotional integrity of the child.

The state's perspective is guided by the centrality of the child's and adolescent's best interest, ensuring that any judicial or administrative measure observes the right to family life free from violence, abuse, and coercion. Despite the existence of robust normative frameworks such as the ECA (Law No. 8,069/1990), the Protected Listening Law (Law No. 13,431/2017), and the Henry Borel Law (Law No. 14,344/2022), judicial interpretations disregarding violence reports persist in practice, especially when invoking the Parental Alienation Law, often to the detriment of women in vulnerable situations. In this regard, efforts have been made to train justice system operators, emphasizing qualified listening and the incorporation of a gender approach in custody decisions.

On August 13, 2024, the Ministry of Women signed a Technical Cooperation Agreement (ACT) with the National Justice Council, the National Council of the Public Prosecutor's Office, and the Ministry of Justice and Public Security for the national implementation of the National Risk Assessment Form and the improvement of this instrument. The objective is to ensure its full effectiveness in preventing and confronting any form of violence against women within domestic and family relationships, supporting the integrated work of public security bodies, the Public Prosecutor's Office, the Judiciary, and protection networks in managing risks identified through it. Thus, the general objective of the ACT is to coordinate planned actions for early and qualified intervention aimed at preventing the repetition and worsening of discrimination, misogyny, and gender-based violence and its intersectionalities, developed through specialized and non-specialized service networks in the sectors of public security, health, social assistance, and justice, among others, supported by the use of new tools for identifying, assessing, and managing risk situations, protecting women, and holding perpetrators accountable.

Additionally, the Ministry of Human Rights and Citizenship (MDHC) has produced technical guidelines and public statements aimed at ensuring that allegations of violence are properly considered without mothers being re-victimized under accusations of parental

alienation. This perspective is essential to prevent disputes between adults from compromising the well-being, safety, and healthy development of children and adolescents, as established by Article 227 of the Federal Constitution.

#### **II.4 – Measures adopted in relation to the misuse of the Parental Alienation Law**

In this section, the information related to points 3,4, 5 and 6 is concentrated:

3. Provide information on the measures adopted by the Brazilian government to prevent the misuse of parental alienation laws against women survivors of domestic violence, within the framework of existing legislation.
4. Provide information on how allegations of partner violence and violence against women and children are considered in custody decisions in divorce proceedings, including in the case of [REDACTED] and her child.
5. Explain which measures the Brazilian government has adopted to protect victims of domestic violence, including [REDACTED], against new episodes of violence and revictimization, as required by the Convention on the Elimination of All Forms of Discrimination Against Women.
6. Provide information on the measures taken by the Brazilian government to protect defenders and activists of human rights who are documenting the misuse of parental alienation laws against reprisals, threats, intimidation, and violence, including by judicial authorities.

On August 26, 2010, Law No. 12,318 was enacted, which addresses parental alienation and amends Article 236 of Law No. 8,069 of July 13, 1990.

The Parental Alienation Law (Law No. 12,318), enacted in Brazil in 2010, was approved by the National Congress and signed into law by then-President Luiz Inácio Lula da Silva on August 26, 2010. It was the result of Bill No. 4,053 of 2008, which originated in the Chamber of Deputies and was introduced by Deputy Régis de Oliveira (Christian Social Party – PSC/SP), allegedly in response to growing concerns over alleged cases of parental alienation. These were described as situations in which one parent manipulates the child in order to harm their relationship with the other parent following a separation. The aim of the law was to protect the rights of the child and ensure that they maintain a healthy relationship with both parents.

The aforementioned law defines parental alienation as “interference in the psychological formation of the child or adolescent promoted or induced by one of the parents, grandparents,

or by those who have the child or adolescent under their authority, custody, or supervision, with the intent of causing the child to reject one of the parents or impairing the establishment or maintenance of bonds with that parent.” Moreover, it lists actions that serve as illustrative examples of parental alienation, in addition to acts declared as such by a judge or confirmed through expert analysis, including:

(i) conducting a campaign to discredit the conduct of the parent in their role as father or mother; (ii) obstructing the exercise of parental authority; (iii) hindering the child’s or adolescent’s contact with the parent; (iv) interfering with the right to regulated family visitation; (v) deliberately withholding relevant personal information about the child or adolescent from the parent, including school and medical information and address changes; (vi) making false accusations against the parent, their relatives, or grandparents to obstruct or hinder their contact with the child or adolescent; (vii) moving to a distant location without justification in order to impede the child’s or adolescent’s contact with the other parent, their family, or grandparents.

According to Law No. 12,318/2010, if there are signs of parental alienation, psychological or biopsychosocial assessments must be ordered. Once “typical acts of parental alienation or any behavior that hinders a child’s or adolescent’s contact with the parent are confirmed, either in an independent or incidental action, the judge may, cumulatively or not, without prejudice to resulting civil or criminal liability and with the full use of procedural instruments to inhibit or mitigate its effects, according to the seriousness of the case”: (i) declare the occurrence of parental alienation and warn the alienating party; (ii) expand the visitation rights of the alienated parent; (iii) impose a fine on the alienating party; (iv) mandate psychological and/or biopsychosocial follow-up; (v) change custody to shared custody or transfer it to the other parent; (vi) issue a provisional order fixing the residence of the child or adolescent.

Until 2022, it was also possible to “declare the suspension of parental authority” (a provision repealed by Law No. 14,340/2022).

The Ministry of Women, through its highest-ranking official, publicly advocated for the repeal of the Parental Alienation Law at a roundtable organized by the Women's Secretariat of the Chamber of Deputies on April 8, 2025. This repeal is the subject of Bill No. 2,812/2022, currently under review by the Constitution and Justice Committee (CCJ) of the lower house. If approved by the CCJ, the bill will proceed to deliberation in the Federal Senate. On that occasion, the then Minister for Women advocated for the full application of Law No. 11,340/2006, also known as the “Maria da Penha Law.”

The Maria da Penha Law creates mechanisms to prevent and curb domestic and family violence against women, pursuant to §8 of Article 226 of the Federal Constitution, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women. It also establishes specialized domestic violence courts, and amends the Code of Criminal Procedure, the Penal Code, and the Penal Execution Law, among other provisions.

As emphasized by the aforementioned authority, the Ministry of Women supports assigning hybrid jurisdiction to domestic and family violence courts and judges, under the Maria da Penha Law (Law No. 11,340/2006). This means giving such courts both civil and criminal jurisdiction to process and judge all issues comprising the full scope of the dispute, including matters related to child custody and visitation, in line with General Recommendation No. 33 of the CEDAW Committee. The view is that the lack of necessary court infrastructure (i.e., hybrid courts with civil and criminal jurisdiction for domestic violence cases), coupled with the abusive and indiscriminate application of the Parental Alienation Law, constitutes a major barrier to overcoming cultural, economic, social, and political issues, particularly in terms of access to justice (CEDAW, UN, 2017), due to its impact on the resolution of conflicts, as well as the cost and duration of proceedings.

In 2024, the Ministry of Women also expressed support for Direct Action of Unconstitutionality (ADI) No. 7606, filed by the Brazilian Socialist Party – PSB Nacional, which challenges the constitutionality of Articles 2, sole paragraph, item VI, and 4, caput, of the Parental Alienation Law.

The National Council for Women's Rights (CNDM), a collegiate body with consultative and deliberative functions, is tasked with promoting, at the national level, policies aimed at eliminating discrimination against women, ensuring their freedom and equal rights, and their full participation in the country's political, economic, and cultural life. Under the leadership of the Minister for Women, on September 12, 2023, the CNDM issued a formal opinion on the unconstitutionality of the Parental Alienation Law and approved Recommendation No. 1, published on September 14, 2023, in Issue 176, Section 1, page 174 of the *Diário Oficial da União* (Official Gazette). This recommendation states:

To the National Congress (Chamber of Deputies, Senate, Women's Secretariat of the Chamber of Deputies, Women's Rights Committee of the Chamber, Special Prosecutor for Women in the Senate, Anti-Racist Feminist Parliamentary Front, Joint Parliamentary Front for the Promotion

and Protection of the Rights of Children and Adolescents): Repeal Law No. 12,318/2010, which addresses parental alienation. Repeal Law No. 13,340/2022, which amends Law No. 12,318/2010. Repeal item “b” of Article 4 of Law No. 13,431/2017, which classifies parental alienation as a form of psychological violence. Present bills, developed with social participation, that: (1) prohibit conciliation with the perpetrator (aggressor/abuser) in any legal proceedings (family courts, courts specialized in domestic violence), in accordance with the recommendations of CEDAW and the Belém do Pará Convention; (2) prohibit reestablishing contact or custody with the male parent suspected of being a perpetrator, also in line with CEDAW and the Belém do Pará Convention; (3) strengthen the credibility of the victim’s testimony as evidence in proceedings involving domestic violence, custody, visitation, and sexual crimes against children and adolescents, as per the CEDAW and the Belém do Pará Convention; (4) ensure the protection of children and adolescents who are victims of domestic and family violence as witnesses of violence committed against their mothers; (5) establish mandatory training for all professionals involved in responding to domestic and family violence and intrafamilial sexual abuse; (6) implement appropriate, effective legal measures of reparation and compensation for victims and survivors of gender-based violence resulting from the application of Law No. 12,318/2010, due to human rights violations against women accused on the basis of allegations of “parental alienation” in judicial proceedings, without observance of the duty of due diligence, and with guarantees of non-repetition, in accordance with General Recommendation No. 35 of the CEDAW Committee. To the Federal Council of Medicine, the Federal Council of Psychology, and the Federal Council of Social Work: Ban, on a national level, the use of the terms “parental alienation syndrome,” “acts of parental alienation,” “parental alienation,” and similar expressions lacking scientific recognition in their professional practices. To the National Council of Justice: Review and correct recommendations, handbooks, and training courses in which scientifically unrecognized terms such as “parental alienation syndrome,” “acts of parental alienation,” and “parental alienation” are used. Promote training and discussions for judges that address the removal of such terms and their equivalents, which lack scientific recognition, from the legal framework. Promote continuous training for judges and other legal professionals on gender-based violence, domestic and family violence, intrafamilial sexual abuse, understanding the obligation of forcing a victim to interact with their perpetrator as a form of torture, and on the recognition and consideration of the victim’s testimony as evidence, according to their developmental stage and vulnerability in the context of violence.

Within the Legislative Branch, several legislative proposals concerning the topic of "parental alienation" are currently under consideration. In the Federal Senate, the two bills under review aim to revoke Law No. 12,318/2010.

<p>Projeto de Lei nº 1372, de 2023</p> <p><b>Autoria:</b> Senador Magno Malta (PL/ES)</p> <p><b>Assunto:</b> Jurídico &gt; Direito Civil &gt; Família e Sucessões, Política Social &gt; Proteção Social &gt; Crianças e Adolescentes</p> <p><b>Ementa:</b> Revoga a Lei nº 12.318, de 26 de agosto de 2010, que dispõe sobre a alienação parental. Tramitação bicameral</p> <p><b>Anexos:</b> PL 1372, de 2023, Parecer 68/2023, tramitação, Moção da Associação Mães na Luta</p> <p><b>Situação:</b> CAS - Comissão de Assuntos Sociais - Aguardando designação do relator.</p>
<p>Projeto de Lei nº 2235, de 2023 (assinatura de 20 mil cidadãos, no período de 4 meses)</p> <p><b>Autoria:</b> Comissão de Direitos Humanos e Legislação Participativa</p> <p><b>Assunto:</b> Jurídico &gt; Direito Civil &gt; Família e Sucessões, Política Social &gt; Proteção Social &gt; Crianças e Adolescentes</p> <p><b>Ementa:</b> Revoga a Lei nº 12.318, de 26 de agosto de 2010. Tramitação bicameral</p> <p><b>Anexos:</b> PL 2235, de 2023 e Parecer Nº 22 da Relatora Senadora Eliziane Gama, tramitação.</p> <p><b>Situação:</b> CAS - Comissão de Assuntos Sociais - Aguardando designação do relator.</p>

At the Chamber of Deputies, two bills (Bill 2812/2022 and Bill 642/2024) aim to repeal Law No. 12,318/2010. The National Secretariat for the Rights of Children and Adolescents of the Ministry of Human Rights and Citizenship (SNDCA/MDHC) also pointed out that, often, the concept of parental alienation has been used to delegitimize domestic violence reports, especially when filed by women in child custody and visitation proceedings. This improper use of the statute has generated negative effects on the full protection of children and adolescents, contravening constitutional principles and Brazil's international commitments in the human rights arena. In this context, the SNDCA/MDHC officially supported the repeal of Law No. 12,318/2010, through Technical Note No. 25/2024, which highlights the lack of scientific backing for the theory of parental alienation, its gender bias, and its adverse effects on the protection of women and children, given that Brazil's legislation on the rights of children and adolescents—especially Law No. 8,069 of July 13, 1990, and Law No. 13,431 of April 4, 2017—already contains the necessary normative measures for the proper treatment of the right to family and community coexistence, and for the protection of children and adolescents in situations of threat or rights violations by parents and/or guardians (Annex II).

Furthermore, the Federal Public Defender's Office (DPU) reported that it has closely monitored the impacts of the implementation of Law No. 12,318/2010, particularly in cases where it has contributed to the revictimization of women in situations of domestic violence. In fulfilling its constitutional mission to promote and defend human rights, the institution has taken a stand against the indiscriminate application of the law, which in many cases has shown to be

incompatible with Brazil's international commitments, particularly regarding the protection of the rights of women and children. The DPU, through its official communication channel<sup>1</sup> and formally with Statement No. 6943131, advocated the repeal of Law No. 12,318/2010. The DPU emphasized that the logic of parental alienation has been used as an obstacle to the effectiveness of protective measures under the Maria da Penha Law and to the qualified listening of children and adolescents in contexts of family violence. The DPU's statement denounces the absence of a scientifically recognized basis for the so-called "Parental Alienation Syndrome" and the risks of its use as a tool to silence and punish protective mothers, in clear violation of the best interest of the child principle and the Belem do Pará Convention (Annex III).

The position of the Public Defender's Office of the State of São Paulo was also in favor of repealing the law, as it published a technical document challenging the scientific and legal foundation of the Parental Alienation Law, demonstrating how its normative structure violates due process, pathologizes family conflicts, and legitimizes judicial interventions without interdisciplinary technical support. It underscored the disproportionate impacts of the law on women and children, especially in contexts of violence and vulnerability (Annex IV).

Moreover, the Federal Public Prosecutor's Office (MPF) held a public hearing under the PFDC Gender Equality Working Group to gather contributions from academia, civil society, social movements, and government representatives. The public hearing and its follow-up are being tracked under Procedure No. 1.00.000.001160/2025-87. During the event held on May 5, 2025, various positions were expressed regarding repeal of the law<sup>2</sup>.

The Ministry of Justice and Public Security also supports repealing the Parental Alienation Law, arguing that its repeal will not create a gap in the protection of children and adolescents, as their rights are already firmly ensured by the Child and Adolescent Statute (ECA), which establishes specific measures for their full protection. Furthermore, the Maria da Penha Law also provides protection mechanisms for children and adolescents, especially when exposed to domestic violence in the context of safeguarding women, recognizing the intersection of violence experienced in these settings. Therefore, repealing the Parent

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<sup>1</sup> <https://direitoshumanos.dpu.def.br/dpu-publica-manifestacao-pela-revogacao-da-lei-de-alienacao-parental/>

<sup>2</sup> <https://www.mpf.mp.br/pfdc/noticias/mpf-debate-revogacao-da-lei-de-alienacao-parental-em-audiencia-publica-em-brasilia>

Alienation Law does not eliminate legal protective tools but rather removes a device that has been used to perpetuate institutional violence (Annex V).

Additionally, the MDHC also expressed support for repealing the Parental Alienation Law during a public hearing on June 11, 2023, held by the Inter-American Commission on Human Rights. The hearing was part of the 187th session of public hearings of the Organization of American States (OAS), held July 10–21, both virtually and in-person, in Washington, DC (USA).

Despite significant progress in formulating and implementing child-sensitive social protection policies, it is important to emphasize that Law No. 12,318/2010, which addresses parental alienation, remains in force in Brazil. The federal structure of the country, ensuring administrative and political autonomy to federative entities, implies varying institutional capacities and timelines at federal, state, and municipal levels. This reality requires continuous strengthening of federative coordination mechanisms and the convergence of national strategies to ensure that guidelines, programs, and protocols are adequately internalized, adapted, and effectively implemented in all units of the Federation.

### **III – FINAL CONSIDERATIONS**

In light of the above, it is observed that the Brazilian State has adopted measures aimed at protecting women who are victims of domestic violence, as well as promoting the full protection of children and adolescents, demonstrating awareness of the risks of re-victimization in cases where the Parental Alienation Law is improperly instrumentalized.

The Brazilian State places itself at the disposal of the mandate holders of the Special Procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide any further clarifications and reaffirms its commitment to regularly transmit information on the case in question.

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