

## UPR- Pre-sessions

### Brazil

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#### Statement by Rodrigo Peret

Thank you, my name is Rodrigo Peret speaking on behalf of the Inter-Franciscan Service for Justice Peace and Ecology in collaboration with other organizations.

While Brazil received recommendations on the protection of the environment, access to water, free, prior and informed consent and business and human rights, we have seen a lack of implementation and regressive measures, laws and policies. In my presentation, I am using the example of the mining industry to explain some of the various human rights violations committed in the context of extractive industries.

The country has experienced an environmental legislative process without wide public participation and lack of transparency including 1) permitting mining and *garimpo* activities in indigenous lands; 2) granting licenses without the requirement to conduct environmental or human rights assessments, or 3) allowing the expansion of land regularization putting at risk the deforestation of more land. Also, the government has attempted to weaken some of its institutions that could effectively supervise the implementation of environmental regulations. All this would facilitate mining activities.

In addition, there is lack of consent of indigenous and quilombola communities, which are often forcibly displaced or relocated from their territories due to extractive projects. In fact, other urban and rural populations are also being forced to internally displaced due to these business activities.

There are clear violations to the rights to water and to a safe, clean and sustainable environment caused by contamination of water resources and the privatization of water. Some examples include the collapse of tailing dams in Mariana and Brumadinho affecting the Doce river and the Paraopeba river basins respectively; a leakage that provoked high aluminum levels in Barcarena area as well as in the Mucurupí and Pará rivers; mercury contamination by "*garimpos*" affecting the Munduruku's and Yanomami's lands, waterways and populations; the overflow and rupture of a gold mining dam in Godofredo Viana, Maranhao contaminating three lakes and preventing the population accessing water sources; cyanide contamination of the river in Pedra Branda do Amapari, Amapá; among others. There are also some risks of other projects that are still in the licensing process, such as in Minas Gerais and Bahia States.

The mining sector has three times more work-related accidents in Brazil. Brumadinho was one of the most catastrophic. Labour related regulations favor unsafe work conditions. These precarious conditions were exacerbated during the Covid-19 when mining became an essential activity by federal decree.

Many communities affected by mining disasters have not yet had full reparations. Some are still not recognized as victims and remain excluded from emergency aid and compensation programs. Also,

affected communities, including independent experts, were not meaningfully participating in the decision-making process.

For these reasons Brazil should:

- i) Refrain from adopting regressive environmental laws contrary to international human rights law;**
- ii) Ratify the Escazu Agreement and establish and implement clear procedures to guarantee and respect the principle of free, prior, and informed consent**
- iii) Conduct independent human rights and environmental impact assessments, based on scientific evidence, to protect, among others, the rights to safe drinking water and sanitation and the right to a clean, healthy and sustainable environment**
- iv) Provide comprehensive human rights and labour protection to workers, particularly for those working in the mining industry**
- v) Fight impunity and hold companies accountable for wrongdoings by establishing independent and impartial criminal, civil and administrative proceedings.**