

Item 6: Brazil UPR Outcome
UN Human Rights Council, 36th Session
21 September, 2017
ARTICLE 19
Statement delivered by Andrew Smith

Mr. President,

Brazil's engagement with the third cycle of the UPR comes at a time when journalists, human rights defenders, social leaders, their families and communities, have been under unprecedented pressure.

Already in 2017, 62 defenders, indigenous and traditional communities leaders have been killed, hundreds more have faced attacks including physical assault, stigmatisation campaigns, harassment and intimidation, illegal surveillance, and judicial harassment.

Journalists and bloggers reporting on matters of public interest, including corruption of public authorities, protests, and mass development projects, are most at risk of reprisal: so far in 2017, 10 journalists have been murdered.

Impunity for all such attacks is endemic.

ARTICLE 19 therefore welcomes the government's commitment to take all necessary measures for the effective protection of human rights defenders and journalists, including by strengthening the Federal Protection Mechanism. We reiterate that ensuring all attacks are thoroughly investigated and perpetrators brought to justice are vital to break the now entrenched cycle of violence.

We are concerned that the government's claim that the Mechanism is operational throughout the country is not reflected on the ground: currently only three States directly implement the Mechanism. Federal funding of the Mechanism must urgently be increased, crucial partnerships with civil society organisations charged with implementing the Mechanism must be reinstated to ensure full and effective implementation at state level.

We ask the Government if it will reverse changes enacted in 2016, through **Decree 8724**, which fundamentally weakened the Mechanism, including by:

- Guaranteeing that those "at-risk" and in situations of vulnerability are eligible for protection
- Reinstating civil society representatives to the Mechanism's Council
- Guaranteeing the formal participation of judicial bodies, in particular the Ministry of Justice, Prosecutor's Office and Federal Police

Will it cease excluding the most at risk defenders, community leaders, and journalists from the Mechanism, and will the development of protection protocols addressing their holistic security

be urgently prioritised? We ask what steps are planned to address the structural causes driving attacks against human rights defenders, particularly those in rural and indigenous and traditional communities?

We ask, how those under its protection can rely on the State to keep them safe, whilst the State itself relies on abusive laws to harass them?

How will the government prevent public authorities and officials abusing civil defamation laws to silence independent reporting, as occurred in the cases of **Jose Maria Portilho, Leonardo Sakamoto and Paolo Henrique Amorim**? Will it commit to decriminalising defamation and repealing desacato provisions?

Will the government abandon attempts to reintroduce amendments (PL 5065 and PL 272) to the Anti-Terrorism Law, which would, among other things, remove the clause specifying that the Law should not be applied against human rights defenders, civil society or protesters?

Will it cease abuse of the 2013 Criminal Organisations Law, which has been used to criminalise and discredit civil society, and leaders of social movements including **Natalino de Jesus, Diessyka Lorena Santana Soares, Luis Batista Borges, and Valdir Misnerovicz**?