

The situation of Human Rights Defenders and of the National Policy towards Human Rights Defenders in Brazil

Shadow report prepared by the Brazilian Committee of Human Rights Defenders (CBDDH) for the Universal Periodic Review of Brazil

The CBDDH is a network of social movements and civil society organizations established in 2004 to monitor and follow the national protection policy (Program for the Protection of Human Rights Defenders - PPDDH) for human rights defenders carried out by the Brazilian government through the Secretariat for Human Rights. The role of the committee, through the preparation of letters and advocacy actions, has always stressed, from the beginning, that, besides protecting both male and female defenders at risk, it should be the articulator of public policies aimed at overcoming the structural problem that generates vulnerability for the defender or for the social movement. Another challenge was coping with the criminalization of defenders, which has become one of the practices most often used to immobilize social struggle and which is often enhanced by the media. Over the last year, the CBDDH ventured in a new challenge: discussing how can we generate policies of self-protection in civil society organizations, besides just monitoring the state policy.

Today the committee is composed of 23 civil society organizations and social movements acting throughout the country, which are: Artigo 19, Associação de Advogados de Trabalhadores Rurais no Estado da Bahia – AATR, Associação de Apoio a Criança e ao Adolescente – Amencar, Central do Movimentos Populares, Centro de Defesa de Direitos Humanos de Sapopemba, Centro de Defesa de Direitos Humanos Gaspar Garcia – SP, Centro de Defesa dos Direitos Humanos da Serra –ES, Coletivo Margarida Alves – MG, Comissão Pastoral da Terra – CPT, Conselho Indigenista Missionário – CIMI, CPP – Conselho Pastoral da Pesca, Dignitatis – Assessoria Técnica Popular, Grupo Tortura nunca mais da Bahia, Instituto de Direitos Humanos – MG, Justiça Global, Lajusa - Laboratório de Justiça Global e Educação em Direitos Humanos na Amazônia, Movimento dos Atingidos por Barragens, Movimento dos Trabalhadores Rurais Sem Terra, Movimento Nacional de Direitos Humanos, Rede Justiça nos Trilhos, Sociedade Maranhense dos Direitos Humanos, Sociedade Paraense de Defesa dos Direitos Humanos – SDDH, Terra de Direitos.

The CBDDH has a facilitator group that is responsible for stimulating the articulation of the organizations and performing the most urgent actions, and consists of the following organizations: Artigo 19, Comissão Pastoral da Terra – CPT, Conselho Indigenista Missionário – CIMI, Justiça Global, Movimento Nacional de Direitos Humanos e Sociedade Maranhense dos Direitos Humanos, Terra de Direitos.

To contact the CBDDH, use the following e-mails:

Artigo 19 – julia@article19.org

Comissão Pastoral da Terra – paulo@cptnacional.org.br

Conselho Indigenista Missionário – assessoriajuridica@cimi.org.br

Justiça Global – defensores@global.org.br

Movimento Nacional de Direitos Humanos – ademirtorresdh@gmail.com

Sociedade Maranhense dos Direitos Humanos – jogambaster@gmail.com
Terra de Direitos – layza@terradedireitos.org.br

For more information about the CBDDH, the letters we issued at various moments since the beginning of our work can be accessed on the links available here:

<http://terradedireitos.org.br/wp-content/uploads/2015/10/Carta-Comit%C3%AA1.pdf>

<http://terradedireitos.org.br/wp-content/uploads/2015/03/Carta-para-o-Secret%C3%A1rio-Nacional-de-Promo%C3%A7%C3%A3o-e-Defesa-dos-Direitos-Humanos.pdf>

<http://global.org.br/programas/carta-do-comite-brasileiro-de-defensoras-de-direitos-humanos-2014/> <http://terradedireitos.org.br/wp-content/uploads/2013/12/CARTA-DO-COMIT%C3%8A-BRASILEIRO-DE-DEFENSORAS-2013-1-Erina.pdf>

<http://www.ecodebate.com.br/2012/12/17/carta-do-comite-brasileiro-de-defensoras-de-direitos-humanos-a-ministra-da-secretaria-de-direitos-humanos/>

<http://global.org.br/wp-content/uploads/2010/11/Comit%C3%AA-Brasileiro-de-Defensoras-2010.pdf>.

Table of Contents

A – Brazil’s political context - risks faced by Human Rights Defenders	Pg. 4
B - Data on Human Rights Defenders in Brazil.	Pg. 7
C - Situation on the protection policy for Human Rights Defenders in Brazil.	Pg. 13
D – Recommendations	Pg. 18

A - Brazil's political context - risks faced by Human Rights Defenders

1. The Brazilian government has consolidated its choice to adopt a development model focused on a system of economic growth that violates human rights and that excludes most of the people. The current economic model of neo-developmentalism prioritizes short-term gains in macroeconomic indexes and promotes negatively impacts on the realization of rights by much of the Brazilian population.
2. The Brazilian State has abandoned the pursuit of structuring policies of democratization of land, of guaranteeing traditional peoples' territories, of management of natural resources and of promotion of social policies. Political decisions follow the logic of the international market, placing great pressure on occupied and/or claimed lands and territories and on common property of indigenous peoples, traditional communities and landless peasants.
3. Those who fight for human rights in the context of land, territory and the environment – Human Rights Defenders (HRDs) – are the main targets of attacks, threats and murders in Brazil. Between 2002 and 2013, the documented deaths of these individuals tripled compared to the previous decade.¹ According to official sources² of international mechanisms and international and local organizations, there has been a particular increase in actions against indigenous peoples and traditional communities directly affected by megaprojects.
4. The Amazon is a region that poses the greatest threats to HRDs due to its natural riches, which, most often, are illegally exploited by farmers, land grabbers, loggers, soy farmers, etc. In addition, the Amazon region is the target of large mining projects, especially from the company Vale do Rio Doce, and is a major focus of construction of hydroelectric power stations, such as Belo Monte and São Luiz do Tapajós.
5. The construction of hydroelectric power stations in Brazil reflects a history of serious human rights violations. To attest to this fact, in 2010, the Council for the Defense of the Human Person (currently National Human Rights Council) issued a report pointing out the violation of 16 rights during the construction of dams in the country. Among them, the

¹ <https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environment/#report>

² <http://www.cimi.org.br/pub/relatorio2015/relatoriodados2015.pdf>

rights to information, education, health, adequate housing, environment and full compensation for losses. According to the report, “the current pattern of construction of dams has repeatedly allowed serious human rights violations, the consequences of which accentuate severe social inequalities, translating into situations of poverty and social, familial and individual disruption.³”

6. The construction of Belo Monte power station is an emblematic case of violations of rights. The power station was built without the free, prior and informed consent of indigenous peoples and traditional communities, in violation of ILO Convention 169. Due to the failure to comply with a court order, the operating license, already granted by IBAMA, was judicially suspended in 2016.
7. In Brazil there is also a legal instrument known as a "suspension of preliminary injunction", which gives the State the right to petition directly to the Presidents of the High Courts for the suspension of preliminary court orders or court rulings contrary to its interests, on the grounds of public interest. This instrument has been repeatedly used to ensure the undertaking of large-scale constructions in the Amazon, in contravention of human rights.
8. At the legislative level, there is a combination of conservative forces pushing for such projects who are linked to religious groups, agribusiness, the arms industry and the market, and who are completely unfavorable to human rights.
9. In 2015, the country already experienced significant setbacks for human rights, such as, for example, the approval by Congress of Bill 7735/2014 that privatizes nature and traditional knowledge; Bill 4148/2008, which exempts companies from labelling genetically modified foods; the Proposal for Constitutional Amendment 215/2000, which affects indigenous peoples and quilombolas across the country by transferring the responsibility for territory titling to the Legislative Branch; the Proposal for Constitutional Amendment 171/1993, which threatens to reduce the age of criminal responsibility; the undermining of labour rights through the outsourcing intended by Bill 4330/2004; and Bill 2016/15, which typifies the crime of terrorism, among others.

³ <http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/cft/arquivos/audiencia-publica-13-10-2015/parecer-mab-projeto-de-lei-pnab>

10. In this regard, it is worth noting that Brazil is experiencing a sharp increase in criminalization and violence against social movements, groups and individuals, and HRDs. The main example is bill 13.260/2016, approved in March 2016, that typifies the crime of terrorism and already turns militants of social movements into the first victims of this criminalization.
11. In 2015, Brazil faced the greatest environmental crime in its history, in the state of Minas Gerais, for which the Samarco company (whose capital belongs to transnational BHP and Vale) was responsible. An estimated 62 million cubic meters of the Rio Doce basin were contaminated, affecting about 85 million people. Almost one year after the disaster, no one has been held accountable. On the contrary, just 20 days after the criminal tragedy, the Senate's Special Committee on Development voted the Law n° 624/2015, which intends to make environmental laws for large-scale projects more flexible.
12. 2016 began with strong pressure by the political and parliamentary opposition against the President Dilma's government, and petitions were filed to impeach the president who was democratically elected with more than 54 million votes in 2014. At the end of 2015, on December 2nd, the former president of the House of Representatives and now impeached federal Representative, Eduardo Cunha, accepted an impeachment petition filed by Brazilian jurists and started the process of impeachment of the President. This process, although constitutional under Brazilian law, was used by the opposition to Dilma's administration as a possibility of removing from power a government that was elected in the last four elections. However, to remove the President by means of impeachment, it would be necessary to prove the occurrence of a crime of responsibility, which did not happen. Thus, the impeachment of the president represents a breach of the social contract established with the 1988 Constitution and puts all other social achievements, historically conquered through democratic struggles, at risk of being attacked. This has already been happening and being put into practice by the illegitimate government, destroying the state structure built in recent years, privatizing public services, changing the current foreign policy only to take care of business, and

many more attacks that will be discussed later. In addition, the process carried out based on fragile and inconsistent arguments was also led by politicians who are suspected of various corruption cases, some of them with proven misconduct as public officials. Such is the case of current president Michel Temer: due to a ruling by the Electoral Court, he is ineligible as a candidate in the next elections due to having received illegal campaign donations.

B - Data on Human Rights Defenders in Brazil.

13. Since the beginning of 2016, the civil society organizations that constitute the Brazilian Committee of Human Rights Defenders (CBDDH) recorded fifty-four cases of killings of human rights defenders, both male and female, in the country, most of them concentrated in the states at the north and northeast regions, as well as a general worsening of the situation of human rights defenders (HRDs.).⁴
14. In rural areas, the struggle for land and territory was the context of almost all the murders of HRDs in Brazil. According to data from the Pastoral Land Commission (PLC), in 2015 there were 50 deaths, 144 people threatened and 59 attempted murders in conflicts in rural areas in Brazil. 90% of these cases are concentrated in the states of Rondônia, Pará and Maranhão. From 2010 to 2015 there were 219 deaths and 300 attempted homicides due to agrarian conflict in the country. Less than 6% of the cases of HRDs killed are investigated in Brazil.⁵ In 2016, the north and northeast regions appear to be the most dangerous regions for HRDs and are the regions where almost all of the murders are concentrated, with a total of 45 murders there.⁶
15. The situation in the state of Pará is historically one of the most alarming in the country. Also according to data from PLC, of the 23 people killed in conflicts over land and territory in the first half of 2015, all but one occurred in the Amazon

⁴ Reports submitted in 2016 to the rapporteurs of human defenders of the UN and OAS

⁵ http://www.cptnacional.org.br/index.php/component/jdownloads/send/41-conflitos-no-campo-brasil-publicacao/14019-conflitos-no-campo-brasil-2015?option=com_jdownloads

⁶ Preliminary data collected by Pastoral Land Commission (CPT) and the Brazilian Committee of Human Rights Defenders

region⁷. At the end of the same year, a series of seven killings of HRDs – who were rural workers – was registered in the city of Anapu, where missionary Dorothy Stang was killed⁸. Since her death in 2005, 334 murders were recorded in rural areas in Brazil, 118 of which occurred in Pará – amounting to 35.3% of the total⁹. According to PLC, six of the seven deaths occurred in conflicts related to Lote 83 of Gleba Bacajá, whose owner is Regivaldo Pereira Galvão, known as Taradão, convicted for the murder of Sister Dorothy and who remains at liberty. In 28 years, only 21 out of the 428 homicides from disputes in rural areas of Pará have been judged¹⁰. In 2016, 5 deaths were recorded in Pará, two of which in the city of Anapu, one in São Félix do Xingu – which last year was where killings occurred most frequently – and two in the cities of Novo Progresso and São Domingos do Araguaia.

16. Also in the north region, an alarming escalation of violence and criminalization of HRDs is in progress in the state of Rondônia, where rural workers and landless peasants are suffering evictions, assaults, threats, robbery, harassment and murder. In 2015, the state emerged on the national scene as one with the highest number of deaths in agrarian conflicts: 20 workers were killed, many of the murders resembling executions¹¹. In 2016, the state continues to lead in the numbers of killings of HRDs. Between January and September, 17 people were murdered in conflicts in the rural area. The most recent victims were Isaque Dias Ferreira, 34, and Edilene Mateus Porto, 32, leaders of Liga dos Camponeses Pobres de Rondônia e Amazônia Ocidental (LCP – League of Poor Peasants of Rondônia and Western Amazônia) and Acampamento 10 de maio. Tuesday September 13, at around 8:00

⁷ The role of business and States in violations against human rights defenders of land rights, the right to territory and rights related to the environment.

⁸ <http://g1.globo.com/pa/para/noticia/2015/11/comissao-pastoral-da-terra-denuncia-onda-de-assassinatos-em-anapu-pa.html>

⁹ <http://www.cptnacional.org.br/index.php/publicacoes/noticias/conflitos-no-campo/2418-dez-anos-apos-morte-da-missionaria-dorothy-stang-para-ainda-vive-conflitos-violentos-no-campo>

¹⁰ <http://www.cptnacional.org.br/index.php/publicacoes/noticias/conflitos-no-campo/2418-dez-anos-apos-morte-da-missionaria-dorothy-stang-para-ainda-vive-conflitos-violentos-no-campo>

¹¹ <http://www.cptnacional.org.br/index.php/publicacoes-2/destaque/3099-nota-publica-o-campo-em-rondonia-um-barril-de-polvora>

a.m., the couple was cowardly murdered. The crime occurred near the family lot at Acampamento 10 de maio, in the region of Alto Paraíso, 211 km from Porto Velho (RO). The Liga dos Camponeses Pobres is the main victim of this escalating violence against landless peasants and rural workers, and the Vale do Jamari region is the main stage of the criminal actions perpetrated by farmers and public officials in the state.

17. The struggle against dams has also resulted in fatalities. On January 7, Mrs. Nilce de Souza Magalhães, 58, known as 'Nicinha', fisherwoman, leader and militant of the Movimento dos Atingidos por Barragens (MAB, Movement of People Affected by Dams), disappeared. She had been denouncing the impacts caused by the Hydroelectric Power Plant of Jirau, for which the company Energia Sustentável do Brasil (ESBR) is responsible. Her murder was later confirmed by a resident of the camp where she lived. However, her family and MAB continue to question the official version of a presumed common crime, since Mrs. Nicinha was receiving constant threats by agents who spoke on behalf of the power plants. Those accused of the crime reported having executed the defender and throwing her body into a river in the region. On June 21, the body was found floating in a location just 400 meters away from her former home by the Mutum river. Discovered by workers of the hydroelectric power plant, the body had its hands and feet tied by a rope which was attached to a rock.
18. There is also an intensification of attacks and threats to indigenous people in the state of Maranhão. In April 2015, the leader Eusébio Ka'apor¹² was killed by masked men and in December of the same year there was another ambush that resulted in two indigenous men being shot¹³. Since 2013, this community has been fighting for the autonomy of their territory that, despite being retaken, still suffers attempts of loggers to take control. In the same state, the indigenous people of Gamela, who fight for the demarcation of their traditional territory, have suffered shootings and death threats after having retaken three farms overlapping their land

12 <http://www.cimi.org.br/site/pt-br/?system=news&action=read&id=8089>

13 <http://www.cimi.org.br/site/pt-br/?system=news&action=read&id=8563>

in November and December 2015¹⁴. The murder of indigenous people in Maranhão continues to increase in 2016. Together with other community leaders, peasants and trade unionists, eleven people have been killed between January and September. Five Guajajaras natives were killed in the indigenous territory Arariboia, which contains 92 villages with people of the Guajajara, Gavião and Guajá ethnicities. The other 6 are two trade unionists, one quilombola, one squatter and two community leaders of urban areas.

19. According to a report published by the Indigenous Missionary Council, in 2014 alone, 138 indigenous persons were killed in Brazil as a result of land conflicts, with 29% of these deaths taking place in Mato Grosso do Sul. The same report points out that 137 natives committed suicide and 785 children died from lack of access to basic health rights in 2014. This data have a higher incidence in the state of Mato Grosso do Sul and directly affect the Guarani-Kamucuió people. The main threat to the indigenous people of Mato Grosso do Sul is the agribusiness of soybean and corn.
20. In 2016, also in the middle west region, more specifically in Mato Grosso and Mato Grosso do Sul, 2 HRDs were killed, one in each state. Still in the same region, there was a case of criminalization, under the recent Law 12.850/2013 on criminal organizations, against MST leaders in the state of Goiás. Natalino de Jesus and Valdir Misnerovicz were arrested and this is the first time the movement has been criminalized on the basis of Law 12.850/2013. The assessment by the movement and civil society organizations of this law, supposedly created to act against money laundering and trafficking, is that it can be considered the legitimization of an actual state of exception. Under this law, the investigations are confidential and can rely on plea agreements, infiltration by agents, breaches of tax, bank and telephone privacy, and wire-tapping, among other measures. In fact, both the law on criminal organization and the antiterrorism law represent major setbacks in the protection of fundamental rights in the country and pose serious threats to constitutional guarantees of social movements and citizens fighting for their rights.

14 <http://www.cimi.org.br/site/pt-br/?system=news&action=read&id=8510>

21. The south and southeast regions also report homicides. On April 7, 2016, families of the Movimento dos Trabalhadores Rurais Sem Terra (MST), organized at Acampamento Dom Tomas Balduino, in the city of Quedas do Iguaçu, central region of the state of Paraná, were victims of an ambush arranged by the Military Police (MP) of the region and by private security guards of the company Araupel. Vilmar Bordim, 44, married, father of three, and Leomar Bhorbak, 25, with a nine-month pregnant wife, both of them rural workers, were killed in the attack. Seven other workers were also seriously injured and two people were taken for questioning at the police station, and then released. The civil society and social movements point out that the military police is acting to incriminate the Movimento dos Trabalhadores Rurais Sem Terra. For this reason, the Ministry of Justice, through requests filed by Terra de Direitos and other organizations, ordered an investigation by the Federal Police. However, two MST members had their preventive arrests decreed while they were hospitalized and were prevented from talking privately with their lawyers. The Federal Police, responsible for the investigations of the massacre of Quedas do Iguaçu, concluded that the police officers involved should not be prosecuted.
22. In urban settings, there are cases of murder and threats to human rights defenders underreported. Although land conflicts still show alarming rates of violence, civil society has been showing an increasing concern about the deaths and threats that take place in the urban setting, especially those related to urban occupations (squats), the LGBT population, sex workers, black youth, community leaders, media activists from slums and suburbs, etc. In the State of Maranhão, two community leaders were murdered in 2016 – José Conceição Pereira, on April 13, in the Coroadinho neighborhood, and Almir Silva Santos, on 8 July, in the Vila do Funil neighborhood. They were both community leaders who were active in their neighborhoods and struggled for improvements. It is suspected that they were both killed for opposing the interests of the local drug trade.
23. In the State of Pará, in 2015, a State and a Federal Representative, 1 Military Prosecutor, as well as the State Ombudsman of the Public Security Department and

two activists working with youth organizations were threatened after surveys and investigations on organized vigilante groups (*milícias*), which resulted in a CPI (Parliamentary Commission of Inquiry) in Pará¹⁵. Some of them filed reports and even sent official letters to the Secretariat for Human Rights, but no action has been taken in order to hold those responsible accountable.

24. 2015 was a very violent year in the Izidora occupations, located in Belo Horizonte's metropolitan area. Two human rights defenders were killed in 2015 in the Victoria occupation (one of the Izidora occupations) and many people received threats. No one has yet been held accountable.
25. The free flow of information and freedom of expression in the country are also facing difficulties. In Brazil, according to a survey by ARTIGO 19, between 2012 and 2015, there were 121 cases of serious violations – especially homicides, attempted murders and death threats – against journalists. It is suspected that 70% of those violations were perpetrated by State officials, especially politicians.¹⁶ In 2015, there was a 67% increase in serious violations against journalists. In addition, since 2012, at least 18 journalists have been murdered in the country. Last year alone, six deaths were recorded, which would make Brazil the third¹⁷ most dangerous country for journalism, after Syria (13 deaths) and France (which recorded 09 cases owing to the Charlie Hebdo attack).¹⁸ In most cases involving journalists, violations are motivated by political coverage performed by these professionals, who denounce irregularities in public administration and corruption, especially in small towns.
26. Another important issue regarding violations towards communication professionals in Brazil concerns the coverage of protests. Since 2013, in addition to the violent repression and criminalization of the right to protest that has taken place on several occasions¹⁹ in both cities and the countryside, journalists covering and documenting

¹⁵ <http://pt.slideshare.net/fabriciorocha/relatrio-final-da-cpi-das-milcias-belmpar-20142015>

¹⁶ <http://violacoes.artigo19.org/publicacoes#header>

¹⁷ <https://cpj.org/es/2015/12/siria-y-francia-fueron-los-paises-mas-letales-para.php>

¹⁸ <http://politica.estadao.com.br/noticias/geral,110-jornalistas-foram-assassinados-em-todo-o-mundo-em-2015--diz-ong,1816358>

¹⁹ <http://protestos.artigo19.org/>

these demonstrations have had this right attacked²⁰. Situations such as the seizing and destruction of their equipment, prevention from covering the protests, physical violence and even arbitrary detentions have become common. ABRAJI (Brazilian Association of Investigative Journalism) has documented 293 episodes of violations against journalists during protest coverage, some of them committed by some protesters, but the overwhelming majority perpetrated by state agents.

27. In 2015, in the legislative sphere, the country experienced significant setbacks in human rights, such as the Proposed Constitutional Amendment (PEC) 215/2000, which affects indigenous peoples and *quilombolas* across the country by transferring to the Legislative Branch the power to demarcate territories; and the (PL) 2016/15 bill, which typifies the crime of terrorism, among others²¹. The 2016/2015 bill was approved by Congress and was sanctioned with vetoes by former President Dilma. There are other bills in the National Congress that seek to re-insert norms that had been suppressed during the legislative process which adopted the Antiterrorism Law, such as the Senate Bill 272/2016 and also the Bill 5065/2016. Civil society and social movements point out that these bills of law intend to intensify the criminalization of social movements, since the country has not experienced terrorist threats. If approved, the current state of criminalization of HRDs tends to increase, with the approval of the Brazilian state.

C - Situation of the protection policy for Human Rights Defenders in Brazil.

28. The abovementioned situation shows, once again, the lack of confrontation by the Brazilian State of the structural causes generating risks, threats and attacks against human rights defenders. Among the reasons for those violations are the failure to guarantee the right to land and territory, and resulting land conflicts. It is important to note that government agencies responsible for land tenure regularization, such as

²⁰ <http://artigo19.org/?p=6326>

²¹ Such as PL 7735/2014, which privatizes nature and traditional knowledge; PL 4148/2008, which exempts companies from labelling genetically modified food; the undermining of labor rights through outsourcing provided by PL 4330/2004 and PEC 171/1993, which proposes the reduction of the penal age.

the National Institute of Colonization and Agrarian Reform (INCRA) and the National Indian Foundation (FUNAI), have been undergoing a dismantling process, receiving increasingly few resources – a situation that has worsened since the illegitimate government took over. The weakening of these agencies increases the pressure on territories, intensifies the conflicts and subjects HRDs to increased vulnerability.

29. The Brazilian Committee of Human Rights Defenders, which monitors the implementation of the PPDDH (National Program for the Protection of Human Rights Defenders) from the beginning, has always emphasized that the Program, in addition to protecting defenders at risk, should articulate public policies aimed at overcoming the structural problems generating vulnerability for HRDs and social movements. The only way to effectively and definitively protect defenders is by prioritizing public policies aimed at solving the structural causes causing violations. However, if the agencies responsible for fighting such causes continue to work with limited resources, the possibility is that the figures will rise in the coming years.
30. With regard to the National Program for the Protection of Human Rights Defenders (PPDDH), a legal framework has not yet been approved in Brazil, although a bill of law is waiting to be appreciated by the Congress. Thus, PPDDH does not exist legally as a State policy, being supported only by the Presidential Decree No. 6.044, dated February 12, 2007. In April 2016, the then President Dilma Rousseff signed Decree No. 8724 of April 27, 2016, which established the National Program for Human Rights Defenders and created its Deliberative Council, within the Ministry of Women, Racial Equality, Youth and Human Rights. The decree has brought critical changes that damage the structure of the protection program because: a) it limits the scope of PPDDH to people in a situation of threat. This is contrary both to the OAS Resolution 53/144 and the PPDDH procedures manual itself, prepared by the Human Rights Secretariat (SDH) in partnership with the civil society and other government bodies, which specifies that the protection of HRDs must be offered to those people or groups that are at a situation of risk and vulnerability, not just to people in a situation of threat; b) The decree has also created the PPDDH

Deliberative Council but provided for the participation of government bodies only, and excluded the participation of civil society, which has struggled since the beginning for parity in the Board. According to the new composition, only two members of the Human Rights Secretariat and one member of the Ministry of Justice would be part of the board. In practice, this decree ends the PPDDH's national coordination, formerly composed of various government agencies and five civil society organizations.

31. Even with the appeal of more than 60 civil society organizations, the Secretariat for Human Rights failed to correct this serious fault before President Dilma's suspension. With the government's current cabinet, the Secretariat for Human Rights was incorporated into the Ministry of Justice which, notoriously, does not present a political composition that is favorable to human rights defenders.
32. The lack of a legal framework weakens the protection policy and contributes to its stagnation and deterioration over the last years, as demonstrated by the last edition of this decree. It is worth mentioning that after more than 10 years, only six (06) out of the 26 Brazilian states have a protection program; only four out of these six are operational (Pernambuco, Ceará, Espírito Santo and Minas Gerais) and the other two have signed agreements, but are not currently operational (Bahia and Maranhão).
33. Moreover, state programs are repeatedly being temporarily suspended due to complications in the agreements and fund allocations, which also affects the program's federal staff. It is therefore necessary to reduce bureaucracy and increase partnership in the federal states in addition to the signing of agreements, seeking new ways of implementing the policy of protection of defenders. The existence of only 04 states with a functioning protection program makes clear the impossibility of creating policies through the signing of agreements, and what is needed is a pact between the federal entities to ensure public investment in protection policy.
34. To make matters worse for the national protection policy, the illegitimate government, which incorporated the Human Rights Ministry into the Ministry of Justice, issued ordinance nº 611/2016 on June 10 2016, which suspends the

operation of all areas related to Human rights for 90 days, particularly collegiate instances, and was extended until the end of 2016. This ordinance directly affects the agreements signed with civil society organizations for the implementation of protection policies, whether it is the Federal Program for the Assistance of Victims and Threatened Witnesses (Provita), the Program for the Protection of Children and Adolescents Threatened with Death (PPCAM) or PPDDH. The PPDDH's agreement that finances the provisional placement program for threatened HRDs was suspended, and the civil society organization that performs this policy had to lay off employees, leaving defenders unprotected and without direct monitoring from the technical staff.

35. A greater articulation of social policies in the monitoring of human rights defenders is also required. Threats and violence bring physical and psychological damage to the lives of these people. Cases of defenders suffering from depression, heart problems, high blood pressure, among other problems are not uncommon. All these issues are closely related to the threats received, and these problems often extend to the family of the person being threatened. The PPDDH can not shy away from addressing these situations and articulating policies to ensure the quality of life of these people.
36. Currently, PPDDH is only including individuals in the monitoring program, although, according to PPDDH's own concept, HRDs are groups, movements, and civil society organizations. When a community leader is threatened in a land conflict, the entire community is threatened too. If the chief of an indigenous village is threatened, the whole village is threatened too. It is impossible to ensure any effectiveness in protection if all persons potentially involved in the conflict are not taken into consideration.
37. It is also crucial that there be specific arrangements for female HRDs, and that protection is extended to women who are related to threatened leaders.
38. The cases mentioned above show the specific violence women endure. Francisca Chagas, a leader murdered in Maranhão, was submitted to sexual violence before being killed. Hers is not an isolated case. Women who are on the front line

defending their territories also have their bodies, their intimacy and their privacy completely violated by threateners and murderers. There is a peculiarity in the violence suffered by women and the current public policy for protection gives it no visibility and doesn't even have a specific mechanism to address women's situation.

39. When it comes to women human rights defenders, it is important to consider that the killer and threatener may often be someone who is known by the victim. When women enter politics, it is very common that there is an increase in domestic violence. In the Izidora occupations, Belo Horizonte's metropolitan area, the three female leaders endured domestic violence in 2014. They, therefore, are submitted to threats and violence both in the public and private spheres, all because of their work defending human rights. This perspective should be considered when guaranteeing the protection of women human rights defenders.
40. Better training for the technical staff and the improvement of PPDDH's strategies are also urgent. The program's procedure, before a situation of conflict, threat or risk to HRDs, is to send official letters to the bodies responsible for solving the problem. This can be observed in the reports of all cases that the PPDDH monitors. However, on most occasions, the official letters are not answered, rendering the attempts to articulate policies to ensure HDRs' protection completely ineffective.
41. The PPDDH monitors HDRs simply by phone in most of the cases. This has been the cause for revolt by the defenders and has discredited the reputation of the Secretariat of Human Rights. It is impossible to monitor by telephone a defender who is in an isolated region of the country.
42. It is noteworthy, in short, the lack of procedures to properly assess the risk defenders face within the particularities of their contexts, which makes it extremely difficult for technical teams that work in the protection mechanisms following cases to efficiently and readily tackle potential emergencies. Such limitations also result in a number of cases of HRDs at high risk not being included in the program, as in the event of inclusion, the program claims it cannot ensure protection to HRDs. This procedure, it is important to explain, is one of the practices that ensures that no

HRD included in the program is murdered – this result of 0 (zero) deaths is widely advertised by the Brazilian state in the international arena.

43. It is crucial that there is also the implementation of a work plan aimed at monitoring and following up, along with the institutions of the justice and public security systems, the judicial and police investigations regarding human rights defenders, whether for investigating violations and threats, or for providing legal advice for those cases where criminalization of the fight for human rights took place;
44. All these issues here presented could also be better discussed within the scope of the PPDDH's national coordination, but decree n° 8724 (mentioned above) dismantled this system.
45. There is also a delegitimization of the Committee's activities by PPDDH's coordination. During the “Regional Experiences of Human Rights Defenders Protection: Colombia, Mexico, Brazil” public hearing, held last September, the former PPDDH coordinator stated that the letters sent by the committee were disturbing the program management.

D – Recommendations

46. All issues discussed above are a synthesis of various analyses, letters and recommendations that the Committee has been producing for 11 years. The current political context sets the scene for a period of more threats, murders and criminalization of Human Rights defenders. It is essential, therefore, that the Secretariat for Human Rights rethink the structure of the protection policy in Brazil and ensure budget allocation, and methodological improvement. During this process, the states must ensure extensive dialogue and consultation with civil society and social movements.
47. Below, we set out the main recommendations for the protection policy, as identified by the Committee over many years:
 - Speed up the processing and approval in the House of Representatives of Bill

4575/2009 that regulates the PPDDH and which is ready to go to the plenary;

- Immediately implement the National Plan for the Protection of Defenders;
- Expand the structure and budget of the PPDDH within the SDH, as a ministry, in order to ensure the protection of human rights defenders as a state policy;
- Create, within the PPDDH of the SDH, a mechanism of coordination between the various state agencies responsible for addressing the structural causes that generate violations in the context in which defenders are inserted;
- Implement a work plan implying the institutions of justice and public security systems in order to monitor and follow up cases (judicial and police investigations) involving human rights defenders, whether for investigating violations and threats, or to guarantee legal advice for those cases where criminalization of the fight for human rights took place;
- Expand partnerships and reduce bureaucracy involved in their creation in the federal states, in addition to the signing of agreements, and seek new ways of implementing the protection policy for defenders;
- Improve the protection methodology in order to cater to groups and communities for which the defenders fight, especially collectivities and minorities such as traditional people and communities (indigenous, quilombolas, etc.), women HRDs, LGBTs and vulnerable rural workers in remote areas;
- Articulate social policies that address the dimension of the social protection of human rights defenders within the Program, such as medical, psychological and welfare assistance, for example;
- Create and train specialized police units for the protection of human rights defenders, as well as specialized agencies and procedures for the receiving and processing of complaints presented by human rights defenders;

- Conduct extensive campaign for the recognition and valuation of human rights defenders, as well as to improve disclosure and information about the PPDDH on the website and institutional material of the government;
- Create, as an emergency matter, a PPDDH mechanism specific to cater to the demand of the federal states of the Amazon region and Mato Grosso do Sul, involving national and regional bodies;
- Create a methodology specific to work with human rights defenders;
- Respect and enforce the ILO Convention 169, which fully refers to the rights of indigenous, quilombolas and traditional peoples. The right to prior, free and informed consultation on actions that could superimpose their territories is one of the guarantees provided for in the treaty;

Sincerely,

Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos