

# Universal Periodic Review

## June 2012 - Brazil

### Coalition of Advisory Organizations to the National Coordination of Articulation of Black Rural Quilombola Communities (CONAQ) – JOINT UPR SUBMISSION – BRAZIL

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Mariana Criola  
Centro de Assessoria Popular

**Justiça Global** (“Global Justice”) is a Brazilian not-for-profit organization that was founded in 1999 to promote and protect human rights, to expose the most serious human rights violations in Brazil, and to develop strategies to challenge the attitudes and policies that allow them to persist. *Justiça Global* aims to strengthen civil society and democracy, to enhance access to justice, and to promote much-needed reforms and public policies by addressing the institutional weaknesses and related factors that contribute to patterns of the human rights violations in Brazil.

Contact Person: Andressa Caldas

Av. Beira Mar, 406, sala 1207 Rio de Janeiro, RJ – 20021-900 Phone: +55 21 2544 2320 fax +55 21 2524 8435

E-mail: [andressa@global.org.br](mailto:andressa@global.org.br) Website: [www.global.org.br](http://www.global.org.br)

**Centro de Assessoria Popular Mariana Criola** (“Mariana Criola Center”) was founded in 2007 as an affirmation of the need to defend the human rights of vulnerable populations in the state of Rio de Janeiro, such as traditional populations and popular movements struggling for housing, land and work. The members of the Mariana Criola Center intend to contribute to social emancipation, from theoretical knowledge, pedagogical practice, militant advocacy and popular legal advisory. Therefore, the center seeks to respect the autonomy and organization of movements, and all of its strategies are discussed and defined collectively. Mariana Criola develops activities in three main areas: 1) access to land, protection of quilombola territory and protection of the environment; 2) the right to housing and basic urban services and 3) criminalization of poverty and social movements.

Contact person: Mariana Trotta Dallalana Quintans

Rua Santo Amaro, 129, Glória. Rio de Janeiro, RJ. CEP: 22211-230. Phone: 55-21- 3042-6445

E-mail: [mariana@marianacriola.org.br](mailto:mariana@marianacriola.org.br) Website: <http://www.marianacriola.org.br/>

**Dignitatis – Assessoria Técnica Popular** ( Technical Advice People's) was founded in 2003 and its mission is to build, promotion, realization and reflection of human rights, democracy and peace, as processes of affirmation of the autonomy of nations, peoples, social movements and their organizations in pursuit of social justice, development of ethnic and socio-cultural development and an egalitarian society.

Contact Person: Tatyane Guimarães Oliveira

Av. Miguel Couto, 251/203, Centro. João Pessoa – PB - Phone: (83) 3031-3107

Email: [dignitatis@gmail.com](mailto:dignitatis@gmail.com) Website: <http://dignitatis-assessoria.blogspot.com/p/nossa-historia.html>

**GT Racismo Ambiental** (Working Group on Environmental Racism) was created in 2005 within the framework of Brazilian Environmental Justice Network (RBJA), with the aim of collecting complaints, promote joint, strategies, campaigns and other actions against environmental injustices that fall predominantly on ethnic groups vulnerable . Acting as a forum for dissemination of information on situations of conflict and political processes of resistance, the Combat GT is composed of entities and individuals directly linked to the struggle against environmental racism in its various manifestations.

Contact Person: Cristiane Faustino / Tania Pacheco [taniataniapac@gmail.com](mailto:taniataniapac@gmail.com)

Rua Pinho Pessoa, 86, Bairro Joaquim Távora – Fortaleza, Ceará, Brasil

<http://racismoambiental.net.br>

**Submission by Advisory Organizations to the National Coordination of Articulation of Black Rural Quilombola Communities – Conaq, relating to the UPR of Brazil, with particular respect to Quilombola Communities**

## **Introduction and Context**

1. The Brazilian Constitution of 1988<sup>i</sup> recognizes the Right to Property of individuals living in former slave hideouts. Nevertheless, most of such individuals, or “quilombolas,” continue to live without title to their lands. This continued lack of land titling contributes to a corresponding lack of basic community sanitation and access to other public and social services – placing quilombolas in situations of vulnerability with respect to nutrition, housing, health, education, work and transportation, or, in other words, at the edges of both constitutional and fundamental human rights guarantees.<sup>ii</sup>
2. The Report of the Working Group on the Universal Periodic Review relating to Brazil’s country review of 2008 demonstrated that Nigeria, although encouraged by Brazil’s efforts to institute programs for integration of quilombola populations into Brazilian society, indicated a strong need for the country to do more in order to fundamentally address these challenges – recommending that Brazil invest more in land reform strategies through public policies targeted at improving the life of African descendants and minorities.<sup>iii</sup>

## **Insufficient Land Titling**

3. After the 4<sup>th</sup> National Meeting of Quilombola Communities,<sup>iv</sup> Maria Rosalina dos Santos, member of the National Coordination of Articulation of Black Rural Quilombola Communities – Conaq,<sup>v</sup> explained that the group discussed solutions for seven of the most important themes relevant to quilombola communities, including safety, health and education, but concluded that land titling was the real impasse, preventing the group from achieving gains in all of the other areas:

[Land titling] is the most serious and urgent issue for the quilombola communities in Brazil because all the other public policies depend on it. It is a very slow process. There exist various obstacles that make the effectiveness of this policy difficult in the communities.

4. According to Conaq data, 3,500 quilombola communities have been officially recognized in Brazil; however, it is estimated that at least 5,000 of such communities actually exist.<sup>vi</sup> Only 120 land titles have been awarded to-date, regularizing approximately 987 thousand hectares for 198 communities.<sup>vii</sup> According to official Governmental data,<sup>viii</sup> as of the end of August 2010, less than 50% of all of Brazil’s quilombola communities (1,711) had obtained official certification as “Remnant Ex-Slave Communities.” And, between 1995 and 2010, only 189 of these communities obtained land title.
5. During the past eight years, the normative changes of the Brazilian parliament created more room for devices that undermine the legal rights guaranteed to quilombolas, including legislative bills<sup>ix</sup> aiming to strike down Decree No. 4.887/2003, which currently allows for the achievement of public policies for land titling of quilombola communities<sup>x</sup>. Aside from attempts to weaken Decree No. 4887/2003 through recent legislative bills, national media giants have also carried out attacks on the decree<sup>xi</sup>. The Direct Act of Unconstitutionality

(ADIn)<sup>xiii</sup> No. 3239/04<sup>xiii</sup>, which is currently pending judgment before the Federal Supreme Court – STF,<sup>xiv</sup> also aims to invalidate the decree by questioning its constitutionality.<sup>xv</sup>

6. On September 29, 2008, the National Institute of Colonization and Agrarian Reform – INCRA enacted Normative Ruling No. 49, in order to modify procedures for identification, recognition, delimitation, demarcation, non-trespass, titling and registration of lands occupied by quilombola communities, as established by Article 68 of the Act of Transitory Constitutional Provisions of the Federal Constitution of 1988, as well as by Decree No. 4.887/03.<sup>xvi</sup> Following the normative ruling’s enactment, Quilombola movements submitted a letter of repudiation, denouncing:<sup>xvii</sup> the inadequate consultation methodology, which did not allow sufficient time for quilombolas to formulate their questions; a lack of agreement to the alteration of the majority of points addressed therein; and reticence regarding the normative ruling’s notions of territory and quilombola self-identification. Normative Ruling No. 49 was subsequently revoked by Normative Ruling No. 56/09, which was revoked by Normative Ruling No. 57/09, which remains in effect today.<sup>xviii</sup> Altogether, there have been five normative rulings enacted by INCRA, all of which have the same underlying goal of making the land titling process more complex, slow and bureaucratic, and adding requirements not found in Decree 4887/03.<sup>xix</sup>
7. According to lawyer Onir de Araújo of the Unified Black Movement and the National Front in the Defense of Quilombola Territories, “There is one attack [against quilombola land titling] underway in the Judiciary and another in the National Congress, both of which . . . will mean an absurd setback for the fight of these communities that are in a totally precarious situation.”<sup>xx</sup>
8. INCRA data demonstrates that during President Lula’s time in office (2003-2010), he approved of only eleven land titles<sup>xxi</sup> to quilombola communities,<sup>xxii</sup> thereby failing to fulfill his promise to award 53 land titles by the end of 2010.<sup>xxiii</sup> This number is (i) negligible in light of the fact that there exist more than 3,000 communities in 24 Brazilian states; and (ii) un-meaningful in light of the fact that other Brazilian states awarded significantly more land titles to quilombola communities during the same time period.<sup>xxiv xxv</sup>
9. The National Congress’s Multi-Annual Plan – PPA of 2008-2010 set forth the goal of land titling 264 quilombola territories; however, from 2008 to 2010, only 36 land titles were issued.<sup>xxvi</sup> In the new PPA (2012-2015), although there are 65 thematic programs, 491 objectives, 2,503 initiatives and a total investment of R\$ 5.4 trillion, there is no specific program for quilombola communities.<sup>xxvii</sup> Rather, quilombola communities are nested into 13 thematic programs (the most relevant of which are set forth in the following section), such as in initiatives directed at other socio-cultural groups, including indigenous populations, gypsies and small farmers.<sup>xxviii</sup>

### **Lack of Public Policy and Minimal Use of Total Available Budget**

10. The thematic program for Agrarian Reform and Order of Land Structure, within the Ministry of Agrarian Development – MDA<sup>xxix</sup> aims to: identify, define, collect and allocate public lands, regularize federal and state lands for democratic access to land – with simplified conditions for small and medium-sized rural residences – as well as for the promotion of land rights for quilombola populations, indigenous groups and other traditional communities, in order to combat poverty in rural areas. Nonetheless, there is no clear and concrete definition of the promises assumed by the Government in the context of this program, in spite of the

extremely high number of quilombola communities still waiting for land titling from the State.

11. The thematic program for Confronting Racism and Promoting Racial Equality, within the Secretary of Policies for the Promotion of Racial Equality,<sup>xxx</sup> proposed the amount of R\$ 73.125 million for 2012 and an additional R\$ 239 million for the following three years – totaling roughly R\$ 312 million to fulfill the program’s objectives, which include: land regularization for quilombola communities under the MDA; recognition of 120 quilombola territories as of public utility; demarcation, certification and titling of quilombola territories; enactment of 140 ordinances, which will recognize 64,000 hectares of quilombola territory and benefit 14,000 families; enactment of 190 Technical Reports for Identification and Delimitation – RTIDs, identifying 660,000 hectares of quilombola territory and benefitting 13,000 families; and inspection and evaluation of 520,000 hectares of lands that have encroached on the quilombola territories, indemnifying families appropriately.
12. The thematic program for Family Agriculture<sup>xxxii</sup> has two goals which are relevant to quilombola communities: (i) adaptation of credit conditions to the specific situation of quilombolas; and (ii) amplification of access of quilombola communities to programs relating to financing, promotion, production, protection, guaranteed prices and income. This thematic program also promises to contract Technical Assistance and Rural Extension services for 20,000 quilombola families – 2,000 of which live in northern Brazil and 7,000 of which live in northeastern Brazil. Another goal is to incentivize Agricultural Family Schools to guarantee spaces for quilombola students and qualify 250 new rural development professionals for action within quilombola communities.
13. The thematic program, Plan for a Brazil without Misery,<sup>xxxiii</sup> seeks to reach out to agricultural families, settlers of agrarian reform and traditional populations (including quilombolas) in situations of extreme poverty, “bringing them into a dynamic of productive inclusion.”
14. Finally, the thematic program for Culture: Preservation, Promotion and Access, within the Ministry of Culture, seeks to: promote, preserve and promulgate the cultural heritage and expressions of afro-Brazilian culture; and carry out actions for the “sustainable development” of over 1,600 quilombola and traditional communities. Still, it is important to note that there is no description available regarding how those responsible for implementing the program’s agenda will interpret and apply “sustainable development.”
15. Although the Government also promises to ensure access of 700 quilombola communities (which are already certified and/or land titled) to governmental services, programs and projects, as complemented by the goal of installing a Monitoring and Evaluation System of government programs for quilombola communities,<sup>xxxiii</sup> there is still no information available as to how and where this program will be carried out. Furthermore, although the Government has proposed a budget of R\$ 1 million in 2012 for the Protection and Promotion of Quilombola Communities and Lands, and R\$ 100 thousand for Legal Assistance to Remnant Ex-Slave Communities, these amounts are insufficient to meet the communities’ needs.
16. According to Ricardo Verдум of INESC,<sup>xxxiv</sup> in 2010 the Executive Branch proposed: R\$ 50 million for Indemnification of the Benefactors and of Lands to Occupants of Residences in Areas Recognized as Quilombola Communities, and R\$ 6 million for Recognition,

Delimitation, Non-Trespass and Titling of Quilombola Lands. If approved, the land-titling budget will be less than it was for each of 2010 and 2011.

17. Research conducted by the Institute for Socioeconomic Studies – INESC<sup>xxxv</sup> revealed that the funds intended to be applied to land titling processes of quilombola territories between 2003 and 2010 were consistently low.<sup>xxxvi</sup> The Brazil Quilombola Program – PBQ, created by Decree No. 6261/2007, constituted the primary quilombola program of Lula’s presidency.<sup>xxxvii</sup> Nonetheless, between 2008 and 2009, the program spent less than 24% of its allotted budget.<sup>xxxviii</sup> MDA and INCRA spent only 13.26% of their allotted budgets in 2008 and only 15.02% in 2009.<sup>xxxix</sup> And, absolutely none of the more than R\$ 33 million allotted for indemnifications to occupants of lands occupied by quilombola populations, was spent in 2008; to the contrary, the money was returned, in-full, to the National Treasury.<sup>xl</sup> In 2009, only 6.52% of the budget authorized by the Brazilian National Congress for the same purpose was spent.<sup>xli</sup> According to INESC, with respect to land titling of quilombola populated areas, only 55.73% of an authorized R\$ 7.4 million was spent in 2008; and a mere 33.46% of an authorized R\$ 10.287 million was spent in 2009.<sup>xlii</sup>

### **Cases of Violence, Threats, Persecutions, and Legal Actions**

18. A lack of an effective governmental policy for the promotion of quilombola land titling has been, and continues to be, a primary cause of violence and forced evictions, legal vulnerability, threats, physical and psychological attacks, arbitrary detentions and crime directed against those who mobilize to guarantee their own survival and continued presence in territories historically inhabited by their ancestor slaves.<sup>xliii</sup> In fact, there are more than 100 communities in situations of emergency and without any means for seeking or receiving help.<sup>xliv</sup> According to INCRA anthropologist (and coordinator of its sector for quilombola land regularization), Lidiane Amorim, the problem is not one of resources, but rather one of institutional infrastructure that is incapable of addressing the situation of quilombola communities with quality and efficiency.<sup>xlv</sup> And, as a result of these dire situations in quilombola communities, some members are abandoning their territories.<sup>xlvi</sup> This tendency is particularly common in the quilombola community of Charco – consisting of 1,400 thousand hectares and occupied by 71 quilombola families – in the municipality of São João de Batista (MA), where community members suffer great fear relating to tensions, prior and recent assassinations and continued death threats.<sup>xlvii</sup>
19. In July 2011, two human rights defenders, Father Inaldo Serejo of the Pastoral Land Commission – CPT and Diogo Cabral of the Human Rights Commission at the Regional Section of the Order of Attorneys of Brazil - OAB/MA, received death threats by Edmilson Pontes in Cantanhede, Maranhão for their work relating to protection of quilombola rights.<sup>xlviii</sup> At the time, the defenders were attending a preliminary hearing for a legal action involving the ownership of land occupied by the quilombola community of Salgado, in Prapemas, Maranhão.<sup>xlix</sup> Edmilson threatened the two defenders, stating that because they were from outside the community and causing so many problems, it would be necessary to “put out the fire,” just as they had done with Dorothy Stang (murdered in 2005 because of her work for similar causes).<sup>1</sup> According to Diogo, such threats and references to Dorothy Stang have continued, especially for families in the community who are fighting for their land rights.<sup>li</sup> One farmer and landowner was said to have used the mayor’s (Eliseu Moura) radio station in the city of Pirapemas to carry out such threats – telling the families to forget about the case.<sup>lii</sup> The above facts were communicated to the Federal Government; however,

Diogo claims that such entity does not believe the denunciations – including the threats to life.<sup>liii</sup>

20. These threats can be related back to events of 2010 when, in legal action No. 3432010 before the District Court of Cantanhede, Maranhão, quilombola workers accused local farmers and landowners of the following crimes: trespassing; destroying property and fields; killing animals; restricting quilombola access; blocking off access to water; and issuing death threats to workers.<sup>liv</sup> Then, in October 2010, following the preliminary hearing in this case, the district court granted land title of the contested land to the quilombola community; nonetheless, the local farmers and landowners continued to trespass, commit arson, kill animals and construct trails through the quilombola territory.<sup>lv</sup> And, according to Diogo, the local farmers and landowners increased persecutions of quilombola families at that time.<sup>lvi</sup>
21. At the end of October, human rights defender, community leader and president of the Association of Small Rural Farm Producers of Charco,<sup>lvii</sup> Flavio Pinto Neto, was shot several times in the head and died.<sup>lviii</sup> Following a police investigation, the local farmer and landowner, Manoel Gentil Gomes, was named as the main suspect in the case. Although Manoel was initially arrested and incarcerated, he has since been released and is now free, pending prosecution.<sup>lix</sup> In November 2010, an unknown vehicle followed three agents from CPT when they returned to the Charco Community.<sup>lx</sup>
22. Amidst changes in the district court's composition, local farmers and landowners appealed the court's decision; and, following a 24-minute hearing, an eviction notice was served on the quilombola community. Following the court's decision, Diogo Cabral appealed for an injunction, which was granted, thus increasing tension in the community of Salgado.<sup>lxi</sup> In May 2011, CPT received a phone call saying that the workers' food at the Negro Flaviano camp in São Luis (MA) would be poisoned.<sup>lxii</sup> In July 2011, CPT headquarters in São Luis was broken into.<sup>lxiii</sup> *Later* the same month, CPT in Pinheiro was also broken into and raided.<sup>lxiv</sup>
23. It is important to mention that Charco's new leader, Manoel Santana, is on the top of a list of 27 individuals marked for assassination in Maranhão and currently lives under 24-hour bodyguard protection (provided by the Brazilian National Guard) in order to avoid assassination.<sup>lxv</sup>
24. As Lidiane Amorim (INCRA anthropologist) points out:

Unfortunately, the Charco situation is a portrait of all of the quilombola communities in Maranhão and throughout Brazil. INCRA is an institute with a very small group of technicians. In Maranhão, we have 266 pending legal suits and only 14 published opinions. So, you can see what is at the heart of the quilombola question and the treatment that it is receiving from the government. I could point to several communities that are in the same situation, as there are more than 100, and they are all of the same urgency as the Charco community, and they do not have the necessary agency to deal with their situation, for they do not have operational structure.<sup>lxvi</sup>

25. Other recent and exemplary cases of threats of violence and crimes committed against quilombola community members are set forth below:<sup>lxvii</sup>

26. In March 2007, members of quilombola community Sapé do Norte (São Domingos), in the municipality Conceição da Barra (ES) received death threats.
27. In April 2007: quilombola houses were destroyed by mining company tractors in the community of Machadinho, Amaro and São Domingos, in the municipality of Paracatu (MG).
28. In May 2007, quilombola community members in Tabacaria, in the municipality of Palmeira dos Índios (AL) received threats. Quilombolas were also arrested in Fazenda Primavera and illegally held and handcuffed outside the police station, where they were exposed to public ridicule, in the quilombola community of Brejo dos Crioulos, in the municipality of São João da Ponte, Verdelândia and Varzelândia (MG).
29. In September 2007, a Pastor from Brejo Grande and ally of quilombolas of the community Ivaporunduva, in the municipality of Eldorado (SP), was harassed during a public protest organized by the city government and municipal judge and received death threats from municipality residents.
30. In December 2007, three men set plantations on fire in the quilombola community of Acauã, in the municipality of Poço Branco (RN).
31. In May 2010, after receiving threats, members of the quilombola community Amaros, in the municipality of Paracatu (MG) obtained preliminary injunction impeding a mining company Kinross Gold Corporation from trespassing on its territory.
32. In July 2011, Catarino dos Santos Costa, leader of the quilombola community Cruzeiro, near the capital city of São Luis (MA)<sup>lxviii</sup> was approached by a military police sergeant and two other officers. The sergeant threatened to attack Catarino with a knife. Although Catarino had received threats in the past for fighting for liberation of Cruzeiro, threats by the sergeant intensified after the Cruzeiro Quilombola Association filed an extrajudicial complaint aiming to prevent the sergeant from continuing the (illegal) construction of a house on the quilombola community's territory.
33. Concerning legal actions, we can mention the case of the community of slave descendants living in Marambaia (RJ), a place where slave ships used to arrive and, today, civilians cannot live because of the fact that such land is considered an area of military interest. In 2002, the Federal Prosecutor's Office<sup>lxix</sup> filed a civil public action (legal action no. 2002.51.11000118-2) to demand completion of the administrative procedure for registration of the Marambaia quilombo (which is now twelve years in the process) and tolerance by the Brazilian Navy of the black community's permanence in the area. The Navy, by denying the existence of a quilombo in the region, has already destroyed several of the population's houses. The civil public action has now been underway for almost ten years, and no guarantee has been obtained for the protection or preservation of the quilombola community.
34. In reference to the issue of invasions, the lands of the urban quilombola community of Pedra do Sal (RJ) have been the constant target of raids carried out by the Venerável Ordem Terceira de São Francisco da Penitência (VOT); a suit surrounding this issue was filed by INCRA in 2007, and the case remains pending to this day.<sup>lxx</sup>

## Recommendations for Brazil

35. Ensure a thorough and impartial investigation into the death threats against Father Inaldo Serejo and Diogo Cabral.<sup>lxxi</sup>
36. Require publication of criminal investigations relating to crimes committed against quilombola communities and community members.<sup>lxxii</sup>
37. Hold perpetrators of crimes committed against quilombola community and community members accountable for their crimes, in accordance with international standards of justice.<sup>lxxiii</sup>
38. Take measures to guarantee the physical and psychological integrity of members of the CPT.<sup>lxxiv</sup>
39. Ensure complete compliance with the obligations relating to quilombola communities set forth in International Convention No. 169 of the International Labor Organization, as codified by Brazilian Decree No. 4.887/2003.
40. Improve the technical structure of INCRA, in order to speed up and make the procedure for land titling quilombola communities more efficient.
41. Ensure complete application of the budget designated for quilombola communities, giving priority to actions and initiatives that will guarantee the finalization of procedures that are currently pending, as well as those that will help quilombola communities obtain land titles.

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<sup>i</sup> Article 68 of the Transitory Constitutional Provisions.

<sup>ii</sup> *A titulação dos territórios quilombolas: uma breve leitura dos oito anos de governo Lula* [The land titling of quilombola territories: a brief summary of eight years of Lula's governance], Combate ao Racismo Ambiental (December 9, 2010), available at <http://racismoambiental.net.br/2010/12/a-titulacao-dos-territorios-quilombolas-uma-breve-leitura-dos-oito-anos-de-governo-lula> (last visited November 9, 2011) [hereinafter Land titling of quilombola territories].

<sup>iii</sup> A/HRC/8/27, 22 (May 2008), Human Rights Council, Eighth session, Agenda item 6, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/136/68/PDF/G0813668.pdf?OpenElement> (last visited November 25, 2011).

<sup>iv</sup> This took place between the 3rd and the 6th August 2011 and involved 500 representatives of quilombola movements. *Regularização fundiária será pauta de protestos de quilombolas nos próximos meses* [Land regularization will be the subject of quilombola protests in upcoming months], Agência Brasil (August 6, 2011), available at <http://agenciabrasil.etc.com.br/noticia/2011-08-06/regularizacao-fundiaria-sera-pauta-de-protestos-de-quilombolas-nos-proximos-meses> (last visited November 10, 2011) [hereinafter Land regularization].

<sup>v</sup> Coordenação Nacional de Articulação das Comunidades Negras Rurais Quilombolas.

<sup>vi</sup> Land regularization, *supra* note iv.

<sup>vii</sup> *Ibid.*

<sup>viii</sup> Ricardo Verдум, *Terras e territórios quilombolas no PPA 2012-2015* [Quilombola lands and territories in the 2012-2015 PPA], Inesc (October 2011), citing INCRA data reflecting the situation as of August 28, 2011, available at <http://www.inesc.org.br/biblioteca/textos/terras-e-territorios-quilombolas-no-ppa-2012-2015> (last visited November 10, 2011) [hereinafter Quilombola lands and territories].

<sup>ix</sup> Legislative Bill No. 44/2007 and Legislative Bill No. 3654/08.

<sup>x</sup> *TV Justiça grava programa sobre ADIn Quilombola* [TV Justiça records a program on the ADIn Quilombola], Boletim Terra de Direitos (November 2011) [hereinafter TV Justiça].

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<sup>xi</sup> For instance, 68 television and print materials of large circulation fought against the standard of quilombola self-identity. Land titling of quilombola territories, *supra* note ii.

<sup>xii</sup> Ação Direta de Inconstitucionalidade.

<sup>xiii</sup> Presented by congressman Valdir Colatto (PMDB-SC).

<sup>xiv</sup> TV Justiça, *supra* note x.

<sup>xv</sup> Land regularization, *supra* note iv.

<sup>xvi</sup> <sup>xvi</sup> Land titling of quilombola territories, *supra* note ii.

<sup>xvii</sup> <sup>xvii</sup> *Ibid.*

<sup>xviii</sup> <sup>xviii</sup> *Ibid.*

<sup>xix</sup> <sup>xix</sup> *Ibid.*

<sup>xx</sup> Land regularization, *supra* note iv.

<sup>xxi</sup> Available at [http://www.incra.gov.br/portal/arquivos/institucional/quilombolas/titulos\\_expedidos.pdf](http://www.incra.gov.br/portal/arquivos/institucional/quilombolas/titulos_expedidos.pdf) (last visited October 8, 2010).

<sup>xxii</sup> <sup>xxii</sup> Land titling of quilombola territories, *supra* note ii.

<sup>xxiii</sup> Available at [http://www.incra.gov.br/portal/index.php?option=com\\_content&view=article&id=12601:incra-estabelece-metade-titular-53-comunidades-quilombolas-ate-2010&catid=289:destaques-randomicos&Itemid=303](http://www.incra.gov.br/portal/index.php?option=com_content&view=article&id=12601:incra-estabelece-metade-titular-53-comunidades-quilombolas-ate-2010&catid=289:destaques-randomicos&Itemid=303) (last visited October 8, 2010).

<sup>xxiv</sup> <sup>xxiv</sup> Land titling of quilombola territories, *supra* note ii.

<sup>xxv</sup> Pará – 26 land titles; Maranhão – 19 land titles; Piauí – 5 land titles; and São Paulo – 3 land titles.

Available at <http://www.cpis.org.br/upload/editor/file/TerrasQuilombolasBalanco2009.pdf> (last visited October 5, 2010).

<sup>xxvi</sup> Quilombola lands and territories, *supra* note viii.

<sup>xxvii</sup> *Ibid.*

<sup>xxviii</sup> *Ibid.*

<sup>xxix</sup> *Ibid.*

<sup>xxx</sup> *Ibid.*

<sup>xxxi</sup> *Ibid.*

<sup>xxxii</sup> *Ibid.*

<sup>xxxiii</sup> *Ibid.*

<sup>xxxiv</sup> *Ibid.*

<sup>xxxv</sup> *Orçamento Quilombola 2008–2010 e a maquiagem na titulação* [Quilombola Budget for 2008-2010 and the cover-up in land titling], Inesc Technical Note No. 168 (July 2010), available at <http://www.inesc.org.br/biblioteca/publicacoes/notas-tecnicas/NT.%20168%20-%20Orçamento%20Quilombola.pdf> (last visited October 7, 2010).

<sup>xxxvi</sup> Land titling of quilombola territories, *supra* note ii.

<sup>xxxvii</sup> The Quilombola Brazil Program, created in 2004, is coordinated by the Special Secretary of Policies for the Promotion of Racial Equality – SEPPIR, which is connected to the Office of the President of the Republic. This program aims to coordinate governmental actions for ex-slave communities, with particular emphasis on civil society participation. Its actions are implemented by 23 bodies of federal administration, aside from companies and social organizations.

<sup>xxxviii</sup> For more information relating to policies carried out under Lula’s governance, see *also* *Governo federal orca, mas não gasta* [The federal government budgets but does not spend], Inesc Technical Note No. 126 (July 2007), available at <http://www.inesc.org.br/biblioteca/publicacoes/notas-tecnicas/NT.%20126%20-%20Politica%20Ambiental%20Quilombolas.pdf>. See also *Entre o previsto e o gasto* [Between what was predicted and what was spent], Inesc Technical Note No. 139 (March 2008), available at <http://www.inesc.org.br/biblioteca/publicacoes/notas-tecnicas/NT.%20139%20-%20QUILOMBOLA.pdf>.

<sup>xxxix</sup> Land titling of quilombola territories, *supra* note ii.

<sup>xl</sup> *Ibid.*

<sup>xli</sup> *Ibid.*

<sup>xlii</sup> *Ibid.*

<sup>xliii</sup> *Ibid.*

<sup>xliv</sup> *Marcados para morrer vivem em alerta em quilombo do MA* [Individuals marked for assassination live in a state of alert in a quilombola community in the state of Maranhão], *Combate ao Racismo Ambiental* (June

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6, 2011), available at <http://racismoambiental.net.br/2011/06/marcados-para-morrer-vivem-em-alerta-em-quilombolas-do-ma/#more-20360>, (last visited November 10, 2011) [hereinafter Individuals marked for assassination].

<sup>xliv</sup> Ibid.

<sup>xlvi</sup> Ibid.

<sup>xlvii</sup> Ibid.

<sup>xlvi</sup> *Re: Brazil – Death threats against human rights defenders Fr. Inaldo Serejo and Mr. Diogo Cabral*, Frontline (July 28, 2011) [hereinafter Death threats].

<sup>xliv</sup> Ibid.

<sup>1</sup> Email correspondence from Diogo Cabral to Andressa Caldas re: “Request for more information re death threats Brazil” (August 8, 2011) [hereinafter Request for more information].

<sup>li</sup> Ibid.

<sup>lii</sup> Ibid.

<sup>liii</sup> Ibid.

<sup>liv</sup> Death threats, *supra* note <sup>xlvi</sup>.

<sup>lv</sup> Ibid.

<sup>lvi</sup> Request for more information, *supra* note 1.

<sup>lvii</sup> Associação dos Pequenos Produtores Rurais do Povoado do Charco.

<sup>lviii</sup> Death threats, *supra* note <sup>xlvi</sup>.

<sup>lix</sup> Individuals marked for assassination, *supra* note <sup>xliv</sup>.

<sup>lx</sup> Request for more information, *supra* note 1.

<sup>lxi</sup> Ibid.

<sup>lxii</sup> Ibid.

<sup>lxiii</sup> Ibid.

<sup>lxiv</sup> Ibid.

<sup>lxv</sup> Individuals marked for assassination, *supra* note <sup>xliv</sup>.

<sup>lxvi</sup> Ibid.

<sup>lxvii</sup> Information provided by researcher Diogo Rocha, based on the “Mapa de conflitos envolvendo injustiça ambiental e saúde no Brasil” [Map of conflicts involving environmental and health-related injustice in Brazil], available at <http://www.conflitoambiental.icict.fiocruz.br/>.

<sup>lxviii</sup> *Liderança quilombola de Palmerândia-Maranhão é ameaçada por Policial Militar* [Quilombola leader of Palmerândia-Maranhão is threatened by a Military Police officer], Comissão Pastoral da Terra – Regional Maranhão (August 11, 2011).

<sup>lxix</sup> Ministério Público Federal.

<sup>lxx</sup> Minutes of the meeting of the National Agrarian Ombudsman with a quilombola representative of Pedra do Sal and the INCRA’s quilombola service, in 18<sup>th</sup> november, 2011.

<sup>lxxi</sup> Death threats, *supra* note <sup>xlvi</sup>.

<sup>lxxii</sup> Ibid.

<sup>lxxiii</sup> Ibid.

<sup>lxxiv</sup> Ibid.