



Plataforma DHESCA Brasil

Brazilian Platform on Economic,
Social, Cultural and Environmental
Human Rights

ABRANDH – Associação Brasileira de Nutrição e Direitos Humanos

AÇÃO EDUCATIVA - Assessoria, Pesquisa e Informação

AGENDE - Ações em Gênero, Cidadania e Desenvolvimento

AMB - Articulação de Mulheres Brasileiras

AMNB - Articulação de Organizações de Mulheres Negras Brasileiras

CDVHS - Centro de Defesa da Vida Herbert de Souza

CEAP - Centro de Educação e Assessoramento Popular

CENDHEC - Centro Dom Helder Câmara de Estudos e Ação Social

CFÊMEA - Centro Feminista de Estudos e Assessoria

CIMI - Centro Indigenista Missionário

CONECTAS - Direitos Humanos

CONIC - Conselho Nacional de Igrejas Cristãs

CPT - Comissão Pastoral da Terra

CRIOLA - Organização de Mulheres Negras

DOM DA TERRA

FASE Nacional - Federação dos Órgãos de Assistência Social e Educacional

FIAN Brasil - Rede de Informação e Ação pelo Direito Humano a se Alimentar

GAJOP - Gabinete de Assessoria Jurídica às Organizações Populares

GELEDÉS - Instituto da Mulher Negra

IBASE - Instituto Brasileiro de Análises Sociais e Econômicas

INESC - Instituto de Estudos Socioeconômicos

INSTITUTO PÓLIS - Instituto de Estudos, Formação e Assessoria em Políticas Sociais

Justiça Global – Global Justice

MAB - Movimento Atingidos por Barragens

MEB - Movimento de Educação de Base

MMC - Movimento das Mulheres Camponesas

MNDH - Movimento Nacional de Direitos Humanos

MNMMR - Movimento Nacional de Meninos e Meninas Rua

MST - Movimento dos Trabalhadores Rurais Sem Terra

REDE SAÚDE - Rede Feminista de Saúde, Direitos Sexuais e Reprodutivos

REDE SOCIAL - Rede Social de Justiça e Direitos Humanos

SDDH - Sociedade Paraense de Defesa dos Direitos Humanos

SMDH - Sociedade Maranhense de Direitos Humanos

TERRA DE DIREITOS

INTRODUCTION

1. The Plataforma DHESCA Brasil is a network formed by 34 movements and organizations of the civil society that undertakes actions to promote, defend and compensate Economical, Social, Cultural and Environmental Human Rights (DHESCA), aiming at the invigoration of the citizenship and at the radicalizing of democracy. It acts also upon the formulation, reinforcement and control of social public policies. The DHESCA Platform was created in 2001 as the Brazilian Chapter of the Interamerican Platform for Human Rights, Democracy and Development (PIDHDD), a network created by organizations of the civil society of several Latin-American countries and the Caribbean.

2. One of the initiatives of the DHESCA Platform is the Project “Reporters of Human Rights” that, inspired by the experience of the Special Thematic Reporters of the UN, receives claims and performs missions, under the concept of the human rights as being universal, interdependent, indivisible and legally and politically demandable from the State. The Platform has 5 (five) Reporters: 1) Reporter for the Human Right to the City¹; 2) Reporter for the Human Right to Education²; 3) Reporter of the Human Right to the Environment³; 4) Reporter of Sexual and Reproductive Rights⁴ and 5) Reporter of the Human Right to Land, Territory and Food⁵.

3. From 2008 to 2011 the Reporters of the DHESCA Platform received several accusations about violations of Human Rights and performed missions (*in loco* visits) to almost all of the states of the Federation, in order to investigate the received information and to make recommendations to the responsible public authorities for the settling of those violations. 30 missions were made to 17 states, whose final reports were forwarded to the national public authorities and some international organisms, and they are available at the site www.dhescbrasil.org.br. Below are presented some violations detected by the reporters that are able to show the development of the situation of Human Rights in Brazil in the last four years.

THEME 1: PUBLIC POLICIES ON RACE AND GENDER

THEME 1.1: WOMEN DEPRIVED OF FREEDOM AND EDUCATION IN BRAZILIAN PRISONS

4. In the 1st Cycle of the Periodic Universal Revision (RPU) in which Brazil participated, in 2008, it was recommended and accepted by the Brazilian State that the country would undertake larger efforts regarding the prison systems in the several states of the federation, in order to transform them into rehabilitation centers (Uruguay); that it would take steps to improve the prison systems and to implement the recommendations of the Committee Against Torture (Germany), that it would give more attention to avoid the precarious imprisonments (South Korea) and make more rigorously the evaluation of the results of the projected activities regarding the conditions of the prisons, the system of criminal courts, the tortures, etc (United Kingdom).

5. On those themes, the Reporters for the Right to Sexual and Reproductive Health and for the Human Right to Education made from 2008 to 2011 an amount of 15 visits to 13 prisons in the states of Rio Grande do Sul, Bahia, Pernambuco, São Paulo, Pará, and the Federal District. The Reporters conducted more than two hundred interviews with interns of the units, directors and penitentiary agents, they had access to documents and public researches about the prison situation, and they met with government representatives.

6. It was possible to detect several violations of the human rights of men and women in jail. The great majority of Brazilian prison units faces chronic problems of overcrowding. The deficit of vacancies in female

¹ Reporter: Orlando Alves dos Santos Junior

² Reporter: Denise Carreira Soares

³ Reporters: Marijane Lisboa e Guilherme Zagallo

⁴ Reporter: Maria José de Oliveira

⁵ Reporter: Sérgio Sauer

prisons is of 12 thousand vacancies. In Pernambuco, the Feminine Penal Colony is the prison with the largest proportional overcrowding of the state, with facilities for 150 arrested, but counting up to 670. The Prison Anibal Bruno has 3,600 imprisoned, but the capacity is of 1,448 people.

7. Most of the prison units are places of negative experiences and learning, and of multiple violations of the rights of the imprisoned people regarding health, food, legal assistance, the right of physical and mental integrity, education, communication with relatives, access to documents, etc. There are permanent claims about terrible infra-structural conditions: lack of beds and mattresses, detainees sleeping tied to the grating to avoid falling on the other cell interns, lack of water, and of attendance by public defenders, lack of vehicles and of prison agents to escort the detainees, specifically to audiences, violence inside of the prison/penitentiary, lack of valorization of the prison agent's profession, poor sanitary conditions, lack of occupation (work and courses), cells built in unhealthy *containers* (as Pará), incapacity of the legal system to accompany the accelerated increase of prisons. Finally, it is worth to point out that in the prison units there is a prevalence of young black (brown and black, according to the IBGE) population, with low education and of poor origin, which clearly demonstrates the prevailing class and race cutting in those settings.

8. In more than 400 prison units, according to data of the Ministry of Justice, the women occupy wings of masculine units. Most of the prisons and wings allocated to women have inadequate facilities, without spaces for leisure and living together with children, which represents a double penalty, besides other problems that reaffirm the gender inequalities also in the context of prison. Normally the mothers are allowed to be with their children during the period of breast-feeding. In the states in which the judges allow the children to stay beyond this period the children remain in the cells with the mothers without any attendance. The right to a day care center practically doesn't exist. In most units there is no supply of items for personal hygiene, the tooth care and psychological service to the women is rare, and the visits of gynecologists are not sufficient for the high number of detainees. There is also a high rate of depression, even with several attempts of suicide, as told by the Director of the Feminine Prison of Recife-PE, the Female Penal Colony Bom Pastor.

9. Regarding the improvement of the right to education in the prisons, it was verified that there is a conflict between the warranty of education and the model of prison itself and its characteristics, such as the overcrowding, oversize of the security forces, excessive measures of discipline, etc. The educational service in the prisons is discontinuous and overrun by the logics of security, suffering interruption e. g. in case of a rumor of rebellion. The offer is also much less than the demand (in almost all units that offer classes, there are waiting lists), mainly for professional education; there is no pedagogic project. In the prison system there are no governmental policies of education, the labor conditions of the educators are precarious, and in many units they face the agents' distrust, being submitted by them to severe controls. There are also serious problems of infrastructure regarding classrooms. There is also a lack of notebooks, pens, pencils, pedagogical and support materials, and libraries.

THEME I: RECOMMENDATIONS

10. That urgent measures be taken to grant access to Justice, warranting a continuous assistance by public attorneys in all phases of the process, in order to reduce the temporary imprisonment; restructuring the criminal justice system, with the increase of the number of judges and penal execution promoters, and that a policy of the penitentiary agents' valorization be established, including psychological support;

11. That the Brazilian State guarantees the right to day care centers for children born by detainees as part of the educational policy and of the access to minimum income programs for the boys and girls of imprisoned people;

12. That the Law of Penal Execution be adapted to the advances established in the legal and international framework, and that the law project of 2007 be approved in the National Congress, regarding the redemption of penalties through study;

13. That there be created state plans for education in prisons, and that the professional education be assumed as a policy for professional qualification;
14. That the human rights to work and education be guaranteed by the Brazilian State, in connection with the human right to health – physical and mental –, in order to leave behind hegemonic views that give priority to therapeutics and “moral correction”;
15. That there be made a general restructuring of the prison system, challenging the punishment model focused on the increase of the confinement of human beings as an answer not only to the organized crime in Brazil and in the world, but to the growth of the social and interpersonal conflicts derived from the inequalities (economical, ethnic-racial, regional, gender, sexual orientation, age, etc) and from the lack of access to basic rights;
16. That the recommendations of the 1st Cycle of the Periodic Universal Revision be implemented regarding the theme.

THEME 1.2: RELIGIOUS INTOLERANCE IN BRAZILIAN SCHOOLS

17. The Reporter of the Human Right to Education made missions to the states of Rio de Janeiro, Piauí and Goiás to investigate accusations on religious intolerance in day care centers, universities and remnant areas of quilombos (African slaves descendants). The Reporter received denouncements of cases of physical violence (punches and even stoning) against students; of dismissal or removal of education professionals who follow religions of African origin or who deal with contents of those religions in class; prohibition to use books and to teach the capoeira dance in school; omission to act against discrimination, or abuse of power positions by teachers and directors, etc.;
18. Besides, Brazil signed in 2008 an agreement with the Holy See that guarantees the confessional instruction in school, especially the Roman Catholic, which constitutes an offense to the lay character of the State and to religious freedom.

THEME 1.2: RECOMMENDATIONS

19. That there be made a proposal of Constitutional Amendment (PEC) to revoke in our Charta the religious teaching in public schools and the Agreement of Brazil with the Holy See referring to the provision of Roman Catholic religious teaching and of other confessions in public school systems;
20. That a National Plan be created to address religious intolerance.

THEME 2: MODEL OF DEVELOPMENT, MEGAEVENTS AND HUMAN RIGHTS

21. It is also part of the recommendations made and accepted by the Brazilian State in the 1st Cycle of RPU that Brazil would continue the efforts in the land reform program (Ghana), that it would carry out this Reform in a faster rhythm through the implementation of policies directed towards the improvement of the living conditions of African descendants, of indigenous people and other minorities (Nigeria), that it would continue and intensify the efforts to reduce poverty and social inequality (Belgium), that it would give more attention to the issues of human rights violation against the indigenous people (South Korea). These recommendations refer to the right to land and territory and to the observance of the rights of minorities and vulnerable populations that sometimes are in conflict with the development project adopted by the Brazilian government.
22. This project, through the PAC – Growth Acceleration Program –, includes the accomplishment of several infrastructure enterprises, of medium and large size, that have been built in the last years in several Brazilian states, such as the opening and enlargement of ports, fluvial transportation routes, railways, construction of dams, transposition of waters, and others.

23. However, all these infrastructure works require an intensive use of natural resources, especially energy, water and soils, which means the expropriation of territories and the destruction of ways of life of traditional peoples and communities. Denouncements about these current violations originated the missions in the years of 2008 and 2011, in which have been investigated the violations regarding the construction of the hydroelectric plants of Jirau and Santo Antônio, in Rondônia, the process of licensing of the dam of Belo Monte, in Pará, the transposition and the construction of dams on the San Francisco river, in Pernambuco, and the extraction of uranium ore, in Bahia.

24. In the context of the Madeira river there are presently under construction the Santo Antonio and Jirau dams, where the claims of violations motivated two missions in 2007 and 2011. There was violation of the norms that rule the procedures of environmental licensing, and the license to build the dams was granted even against the opinion of the IBAMA, that was contrary to the construction (Nr 014/2007–COHID/CGENE/DILIC/IBAMA by the IBAMA). In addition to this irregular license, the construction was started without the hearing of the traditional peoples who depend directly on the river. This violates the right to previous and informed consultation, present in the Convention 169 of the International Labor Organization. Besides, the disordered migration of employees to work at the construction sites caused the increase of the figures of violence in the communities. The number of deceitful homicides increased 44% in Porto Velho between 2008 and 2010, and the amount of children and teen agers victims of abuse or sexual exploration grew 18%. The number of rapes increased 208% in Porto Velho between 2007 and 2010.

25. In addition, the violations of the labor rights of the construction workers caused a revolt in March of 2011, which resulted in the burning of 54 busses and of 70% of the workers' barracks at Jirau. In the interviews held there it was told that the construction of the hydroelectric dam of Santo Antonio and Jirau already had caused the death of six workers in accidents; that each of the enterprises already received 1,000 infringement notifications by the Regional Labor Authorities due to the violation of the labor legislation; that there was illegal use of coercive methods for the patrimonial security, etc. It has to be stressed also that the basin of the Madeira river comprises about one fourth of the Brazilian Amazonian area and its contribution to the flow of the Bolivian rivers is not less than of 95% (in the basin are all navigable water roads and the most important cities of Bolivia), and Bolivia was not consulted about the construction of the dams, what characterizes violation of the people's self-determination and of the sovereignty of the countries.

26. The Belo Monte dam, to be built according to the government's project near Altamira, Pará, also had a vicious process of licensing. About this the Reporter of the Human Right to Environment was present at the Public Audiences in Belém and Altamira and held Public Audiences in Volta Grande do Xingu – Vila Ressaca and the Indigenous Territory Arara, in November of 2009. The Reporter detected that the current project of the Belo Monte dam contains serious flaws and irreversible impacts on the population living at the margins of the Xingu river, particularly the riverine and indigenous, who, like in Jirau and Santo Antônio, were neither heard nor consulted. The construction will have a dimension similar to the Panama Canal, and it will form two reservoirs of 516 km² that will cause impact on the whole region of the basin of the Xingu river, an area that embraces 30 legally established indigenous territories, plus four reservations for extractive management and eight environmental conservation parks: It causes the impact on thousands of natives and 24 ethnic groups of the basin of the Xingu river.

27. Two days before the liberation of the preliminary license, technicians of the licensing department of the IBAMA issued a technical note stating that “there are not enough elements to attest the environmental viability of the enterprise”⁶, which was disregarded. An independent analysis of the Study and Report of Environmental Impact of Belo Monte, made by a group of scientists recognized nationally and internationally⁷, demonstrated that the impacts of Belo Monte are much larger than those gathered by the official environmental report. According to the Independent Study, there was an underestimation of the

⁶ (COHID/CGENE/DILIC/IBAMA – Technical Note 04/2010).

victimized population and of the affected area. There is a risk of proliferation of endemic diseases, and no study was made about isolated indigenous tribes. There is a threat of extinction of endemic species in the Passage of Reduced Flow, an irreversible loss of biodiversity, an insufficient analysis of the impact of the migration on deforestation and indigenous lands, etc.

28. The irregularities in the licensing process and the violations of the rights of the traditional peoples motivated, in 2010, the remittance of an accusation to the Interamerican Human Rights Commission (CIDH) of the OEA by several Human Rights organizations⁸. The petition claimed the urgent concession of precautionary measures to suspend the process of environmental licensing of the project. The CIDH, then, urged officially the Brazilian government to suspend the process of licensing of the hydroelectric compound of Belo Monte, mentioning the potential damage of the construction of the dam to the rights of the traditional communities of the Xingu river basin. The request was not followed, and Brazil did not attend the audience summoned by the CIDH to debate the lack of obedience to the precautionary measure to protection to the indigenous populations of the Xingu. This audience happened on October 26, 2011.

29. It has to be pointed out that, according to data of the Pastoral Commission on Land, the state of Pará, where Belo Monte dam will be built, is the most violent state of the country, with regard to land conflicts, known for summary executions, slaughters and slave labor. This scenario is due to the concentration of the land property, including the illegal appropriation of public land (“grilagem”). The development plans, the discussions around the asphaltic covering of the BR 163 road (Cuiabá-Santarém), and the attempts to construct Belo Monte, associated with investments of the mining sector, timber extraction and expansion of the soybean farms, causes the valorization of the land in the area and the increase of conflicts. The Reporter of the Human Right to Land, Territory and Food was twice in the area of Santarém and detected current violations through the expansion of the soybean farming, the construction of the grain port by the multinational Cargill and the slowness in issuing land titles of quilombola territories and in the demarcation of indigenous territories. According to the National Quilombola Commission (CONAQ), there are about 3 thousand quilombola communities in Brazil. However, there are only 995 processes to issue titles at the INCRA, and tiny 30 presidential decrees have been issued between 2005 and 2010, according to official data of the INCRA.

30. There are also projects in the basin of the São Francisco river, that represents about 60% of the water reservoirs of the Northeast of Brazil. The river is known as river of national integration, it links the Southeast to the Northeast, it feeds six states and waters the most threatened biomes of the country: the caatinga and the cerrado savannahs, a region under severe drought. The integration of the river basins of the São Francisco, originally conceived in the 19th century, consists of the transposition of the waters of the river through two canals, the North Axis and the East Axis. Indigenous and quilombolas communities, land reform settlements, and riverine had their lands cut by these canals, and many of these communities still today are without access to water, as it is the case of the quilombola communities of Jatobá and Cruz dos Riachos (the last located at 8 km off the river), of the Jibóia settlement, and of Truká tribe, in the municipality of Cabrobó, Pernambuco. The semi-arid region of the Northeast, where the canals are being built, shows a high concentration of land, and evidences the contradiction of the open declaration of the government that the transposition would “distribute water” in the drought area, because democratize water means first of all to make the land reform. The goal of the work is to foster agribusiness, irrigated horticulture, and to take water to the port of Pecém, in Ceará, thus not benefitting the real victims of the drought.

31. In addition to the project of national integration of the waters of the São Francisco river, there is also the project to build several dams in the river, among them the Riacho Seco and the Pedra Branca dam, in the municipality of Santa Maria da Boa Vista and Orocó. The licensing process of both dams suffers from the same vices as the dams built in the Amazon, which are: not hearing the traditional populations, and violating the rights to information, to food, to work and to housing. Accusations presented to the federal

public prosecution office at Petrolina led to the recommendation that the IBAMA should suspend immediately the licensing of the dams, until the due hearings are accomplished, until the quilombola territories are titled, and the indigenous territories demarcated, which to this moment has not been implemented. And, still regarding the expansion of the energy model and the São Francisco river, it was announced in the first semester of this year that there would be built in the municipality of Itacuruba, in Pernambuco, at the margins of the São Francisco river, the first nuclear energy plant of the Northeast.

32. Regarding the Brazilian nuclear project, in January of 2000 started to operate in the municipality of Caetité (Bahia), 750 km off Salvador, the Uranium Concentrate Plant of the Nuclear Industries of Brazil (URA-INB), responsible for the mining activity and for the transformation of mineral uranium into uranium liqueur. The inhabitants of the town denounced to the Reporter who went in mission to the place, several spillings, as in April of 2000, when 5 million liters of liqueur of uranium flowed over to the environment. There were spillings also in 2004, and more denouncements of leakages from leaching tanks. Nevertheless, in 2007, the IBAMA renewed the License of Operation Nr. 272/2002 without including the condition to present a periodic report on endemics, epidemics and emergences of new diseases.

33. On October 28, 2009, there were denouncements of new leakages in the facilities of the URA-INB, of about 30 thousand liters of liqueur of uranium, with an overflow of radioactive material. Independent surveys have been made that detected that the water of city was polluted by radiation. In the Public Audience held on October 06 of this year to discuss the issue in the Commission for the Environment of the Federal Chamber of Deputies, employees of the INB were present and also denounced several labor irregularities, such as the fact that the overalls used by the employees and that should be discarded were washed and given to the employees of a subcontracted firm.

34. It has also to be stressed that at November 23 the new Brazilian Forest Code was approved by the Senate. Brazil, at the same time as it commits itself at the Climate Convention to reduce emissions between 36 and 39%, and commits itself to the 20 goals of the strategic plan of the Convention on Biological Diversity, at domestic level it proposes the disassembling of its environmental legislation. The more flexible Forest Code carries the amnesty of penalties and fines for the agribusiness, and states also it is not necessary that those guilty of deforestation recover their areas of permanent preservation and legal reservation, if they made the deforestation before July of 2008. The goal of the flexibility is to incorporate the 200 million hectares outside the market into the logics of production of agribusiness. The new Forest Code establishes also that a hectare of native forest is equivalent to the title of lands marketed in the stocks exchange, which is the market of the payments for environmental services. According to Art. 225 of the Brazilian Federal Constitution the forests are common goods of the people, being unavailable, inalienable and unprescriptible. Therefore, the provisions of the Code are unconstitutional and drain the socio-environmental function of property.

35. In addition, due to the mega-events hosted by Brazil, the World Cup of 2014 and the Olympic Games of 2016, there has been an urban restructuring in the host cities, with displacements and forced removals. The Reporter of the Human Right to the City made missions in São Paulo (SP), in Teresina (PI), in Rio de Janeiro (RJ), and in São Luís (MA). These cities will receive dozens of projects, including sporting facilities, stadiums, infrastructure in the field of urban mobility. The mission to Rio was accompanied by the UN Reporter Raquel Rolnik. It has been proved that the municipal government treats as irrelevant the ownership of residents involved in removals and resettlements. In Rio de Janeiro the mission visited nine communities impacted by the constructions: Favela do Metrô, Campinho, Vila Autódromo, Vila Harmonia, Restinga, Recreio III, Estradinhas, Providência and Sambódromo, and it detected that there are cases of inhabitants living at the place for 40 years, but who had neither the ownership nor the market value considered for compensation.

36. In all of the visited cases it is evident that the public authority had a central role in creating a favorable atmosphere for the investments linked to the segments of real estate capital, to the contractors of public buildings, the constructors, the hotel sector, etc. However it was not capable of guaranteeing the right of housing for the displaced populations. Thousands of Brazilian families were displaced, many through

violence, and they didn't get compensation, or the compensations took into account only the improvements, no the value of the land. This impedes that the families acquire new properties close to the place where they lived, being forced to move to distant sites. The areas of displacement are mainly of slums and irregular settlements, where the most vulnerable population lives, and where the right to housing should be most respected.

THEME II: RECOMMENDATIONS

37. That Brazil takes a controlling action to check the execution of the conditions of the environmental licenses granted to the Santo Antonio and Jirau enterprises, that it proposes change in the rules of the environmental licensing to turn obligatory the inclusion of all of the environmental externalities in the studies of environmental impact, charging the entrepreneurs for the mitigation of these damages and, when this is not possible, for their compensation;

38. That field control be implemented on labor and socio-environmental conditions in large enterprises, in order to suspend the transfer of finances in case of violation of labor legislation and/or of conditions and of reliever measures established by the environmental licensing;

39. That Brazil promotes urgently the titling of the quilombola territories, the recognition and demarcation of the indigenous homelands, mainly those impacted by large projects, implementing as well the land reform and every land legalization needed to produce victuals;

40. That Brazil proceeds to revoke the license of the Belo Monte hydroelectric dam, due to insufficient Studies of the Environmental Impacts and because of the extremely high damage it will cause to the environment, to the traditional peoples of the Xingu river, and to the future generations;

41. That Brazil equalizes the development project with the implementation of the human;

42. That the country invests in alternative forms of energy generation, as the solar energy, over against the construction of hydroelectric dams and of nuclear energy plants;

43. That Brazil constitutes mixed commissions to guarantee the safety of the water consumed by the populations impacted by the extraction of Uranium in Caetité-BA, and the safety of the environment; that it implements the Plan of Monitoring, Surveillance and Attention to the Health of residents and workers at the INB; that the residents of the surroundings of the uranium mine be compensated for the serious impacts of the activity on their houses, health, agricultural production and community life;

44. That Brazil promotes the protection of the Amazonian Forest and of the savannah areas of the caatinga and cerrado through the protection to the people living therein, as well as the respect to the sovereignty of National States that share with Brazil the Amazonian Forest, and the obedience to decisions issued by the international courts;

45. That the country acts to revoke the Forest Code due to absolute incompatibility with the Federal Constitution and with the international treaties and conventions signed by Brazil and because it would transform into commodities the nature and the forests, that are a common good of the people and inalienable;

46. That the Brazilian State guarantees total transparency in the planning and implementation processes of the works of the mega-events as well as the participation of the impacted communities; that it assures that the right to housing to the impacted populations; that it studies alternatives to the removals and displacements and makes compensations compatible with the improvements as well as with the land value, and suspends all planned displacements until the conflicts linked with them are negotiated and alternative solutions are discussed with the communities;

47. That Brazil complies with the recommendations made at the 1st Cycle of RPU regarding the theme.

THEME IV: PNDH 3 (Third National Human Rights Plan), INDICATORS AND HUMAN RIGHTS DEFENDERS

48. During the 1st Cycle of RPU, besides the 15 recommendations it received and accepted, Brazil committed itself voluntarily to the creation of a national system of human rights indicators and to the elaboration of an annual report about the situation of human rights, taking into account the follow-up of the revision process. However, until the moment, none of those commitments has been met.

49. In the first semester of 2011 the General Human Rights Office released the convocation for the Project “Information in Human Rights: Identifying Potentials and Building Indicators”, in cooperation with the Fund of Population of the United Nations and with the Foreign Affairs Ministry. The convocation, concerning the beginning of the constitution of unified indicators on human rights, was prepared without the participation of the civil society, considering it was precisely the civil society who proposed the list of indicators.

50. As for the Human Rights policy, after state conferences on Human Rights and one national conference, in December of 2009 president Lula signed the Decree of the Third National Program of Human Rights, PNDH3, prepared in partnership with the civil society, and considering the axes and guidelines issued by the conferences. Since it incorporated controversial issues for the Brazilian society, such as the proposal to legalize abortion, to remove religious symbols from public places (lay character of the State), to regulate the communication media, to establish the commission on memory and truth, to investigate the disappearances during the dictatorial regime, among others, the program was severely attacked by more conservative sections of the National Congress and of the Brazilian society and was partly modified. There even was named the Committee of the Implementation and Monitoring of the PNDH3, but it was not able to reach its purpose of promoting the inter-ministerial and traverse capillarity of the PNDH3.

51. With regard to the defenders of Human Rights, the last four years were marked by criminalization, persecutions and deaths in the country. Only in June of this year were executed offhand Adelino Ramos, Herenilton Pereira dos Santos, José Cláudio Ribeiro da Silva and the rural worker Maria do Espírito Santo Silva. José Cláudio and Maria do Espírito Santo were human rights defenders and their main struggle was the preservation of the natural resources located in the reservations for extractive management belonging to the farmer settlement of Praia Alta Piranha (Pará). José and Maria had been already threatened for a long time. These denouncements were made to the competent authorities who, however, they didn't act efficiently to guarantee their right to life. Even after the murder of José and Maria the State was not capable to guarantee the life of the local people and the assassination of Herenilton, witness of the crime, a few days later proves the inefficacy of the State. Adelino Ramos was murdered in Vista Alegre do Abunã, in the region of Ponta do Abunã, Porto Velho (Rondônia). He was a well known defender of human rights and acted for the creation of rural worker settlements, and denounced illegal activities of environmental devastation. These murders of defenders of the Amazonian forest happen at the same time when the Forest Code was approved by the Chamber of the Deputies, whose text weakens the mechanisms of environmental preservation, the struggle to preserve the natural .

52. Land conflicts also caused violence against the defenders of human rights of the indigenous Guarani-Kaiowá tribe of the Tekoha Guaviry camp (Amambai, Mato Grosso do Sul), that has suffered repeated attacks of armed militias. According to the received claim, in November 18 of this year about 40 strongly armed gunmen attacked the community. The goal was the 59 years old cacique Nísio Gomes, who was killed with shots of caliber 12. Once dead, the body of the native was taken away by the gunmen. The death of the cacique Nísio Gomes reveals the situation of abandonment and vulnerability faced by the indigenous people in Brazil.

THEME IV: RECOMMENDATIONS

53. That the National Human Rights Plan be instituted with the participation of the civil society, in order to orientate the action of the Ministries for the implementation of these rights;

54. That the Law Project No. 4575/09 be approved, for the definition of the basic guidelines of the National Program of Human Rights Defenders;

- 55.** That the Law Project No. 4715/94 be approved, for the establishment of the National Council of Human Rights;
- 56.** That the Brazilian State make efforts to avoid the murder of human rights defenders, what in the case of the defenders of the forest means to protect the natural resources and to preserve the environment, and in the case of the indigenous, to respect their rights as original peoples and the immediate demarcation of their territories, in the state of Mato Grosso do Sul and in the Amazonian basin;
- 57.** That the Optional Protocol of PIDESC be ratified by Brazil