

EXECUTIVE SUMMARY



STRUGGLING LIVES

Criminalization and
violence against the
human rights defenders

The Brazilian Committee of Human Rights Defenders

STRUGGLING LIVES: Criminalization and violence against the human rights defenders

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1

INTRODUCTION

The Brazilian Committee of Human Rights Defenders (CBDDH)¹ is a cooperation between several civil society organizations and social movements that since 2004 monitors this subject and acts in order to protect human rights defenders facing risks, threats, attacks and/or criminalization due to their activism.

From its very beginning, the Committee fosters and monitors the implementation of the Protection Policy and the Program for the Protection of Human Rights Defenders (PPDDH) in Brazil, seeking to promote public policies to overcome structural problems that make human rights defenders and social movements vulnerable.

CBDDH currently acts in several fronts of action to achieve the goals that directly involve its network, that is: *(i) Monitoring of the protection policy for human rights defenders; (ii) Survey and systematization of data on violations against human rights defenders in Brazil; (iii) Actions of protection; (iv) Actions of communication and visibility; (v) Political advocacy.*

The definition of “human rights defenders” adopted by CBDDH is based on the UN resolution that defines human rights defenders as “private individuals acting singly, a legal person, a group, an organization or a social movement that acts or aims to promote or champion human rights”². The amount of experience gathered by the Committee has led to the incorporation of two new elements in the definition employed by the Committee: *Collectivity* as a

¹ Further information on the Committee, the organizations it comprises, as well as the fronts of action, can be found on the following website: <www.comiteddh.org.br>.

category to be considered and *political resistance* as a kind of action that calls attention to human rights defenders.

This dossier is the first research conducted by the Committee on violations against human rights defenders in Brazil and it doesn't intend at all to cover the whole issue of violence we experience as human rights defenders. For this pilot project, we aim to systematize reports on deaths occurred in 2016, as well as cases involving criminalization of social movements, mainly in the context of big enterprises.

The data herein presented was collected by the organizations and movements that take part in the Brazilian Committee of Human Rights Defenders from the countless complaints they daily receive in their activism, as well as from the comprehensive research conducted by this network. It should be noted that Pastoral Land Commission (CPT) has historically collected data on violence in the rural context, publishing its Papers on Countryside Conflicts³ (Caderno de Conflitos no Campo) since 1985. In view of CPT's expertise on this subject, part of the data systematized in this document was collected with this organization's valuable contribution⁴.

On the concepts of violence and criminalization

For the purpose of surveying and systematizing instances of criminalization and violence, these two concepts were carefully analyzed. On violence itself, we can assert that abuses committed against human rights defenders in Brazil show themselves through attempts on life and personal integrity; threats and other hostile actions; home invasion; arbitrary or abusive interference with the installations of an entity and with their mail, telephone or electronic communications; identification of human rights defenders as enemies or identification between the defended person's political affiliation and that of the defender; intelligence and espionage activities against human

2 That same definition is present in the Bill of Law no. 4575/2009, that institutes the Program for the Protection of Human Rights Defenders in Brazil. Available at: <http://www.camara.gov.br/proposicoesWeb/prop_mostrarintegra?codteor=702658>.

3 Those papers can be found in CPT's website in: <<https://www.cptnacional.org.br/index.php/publicacoes-2/conflitos-no-campo-brasil>>. Accessed 18/06/2017.

4 It should also be noted that CPT doesn't consider the category of "human rights defender". So, the cases included in this dossier were analyzed so that those that fit in the definition of human rights defender adopted by CBDDH were included.

rights defenders and restrictions to the access to the information held by the state; moral disqualification of human rights defenders, comparing them to “criminals”; arbitrary arrests, criminalization of human rights defenders and social movements through arbitrary lawsuits (JUSTIÇA GLOBAL, TERRA DE DIREITOS, 2006).

The criminalizing strategies can arise from both public and private fields. Corporative media doubtlessly play an important role in this process, contributing to slander and delegitimize human rights defenders and their activism. The government's neglect toward the countless violations of rights and criminalizing strategies conducted by private agents can also contribute to the process of sickening human rights defenders, forcing them to retreat from their activism, thus exempting public or private agents from any liability in that process.

2

DATA ON VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS IN BRAZIL IN 2016

2016 was an extremely violent year for human rights defenders in Brazil, with an alarming number of murders and instances of criminalization. There has been a remarkable aggravation of these violations since the coup d'état which led to the impeachment of President Dilma Rousseff. Conservative sectors of society (pro-agribusiness forces, religious fundamentalists, prominent businesspersons, advocates of the imprisonment and genocide of black people, minimum state proponents) which sponsored the coup and thus got stronger.

Furthermore, there was an aggravation of hate speeches in Brazil and attacks against human rights, which show themselves, for example, through the approval of bills of law that take social rights achieved since the Brazilian Federal Constitution of 1988 away from the population.

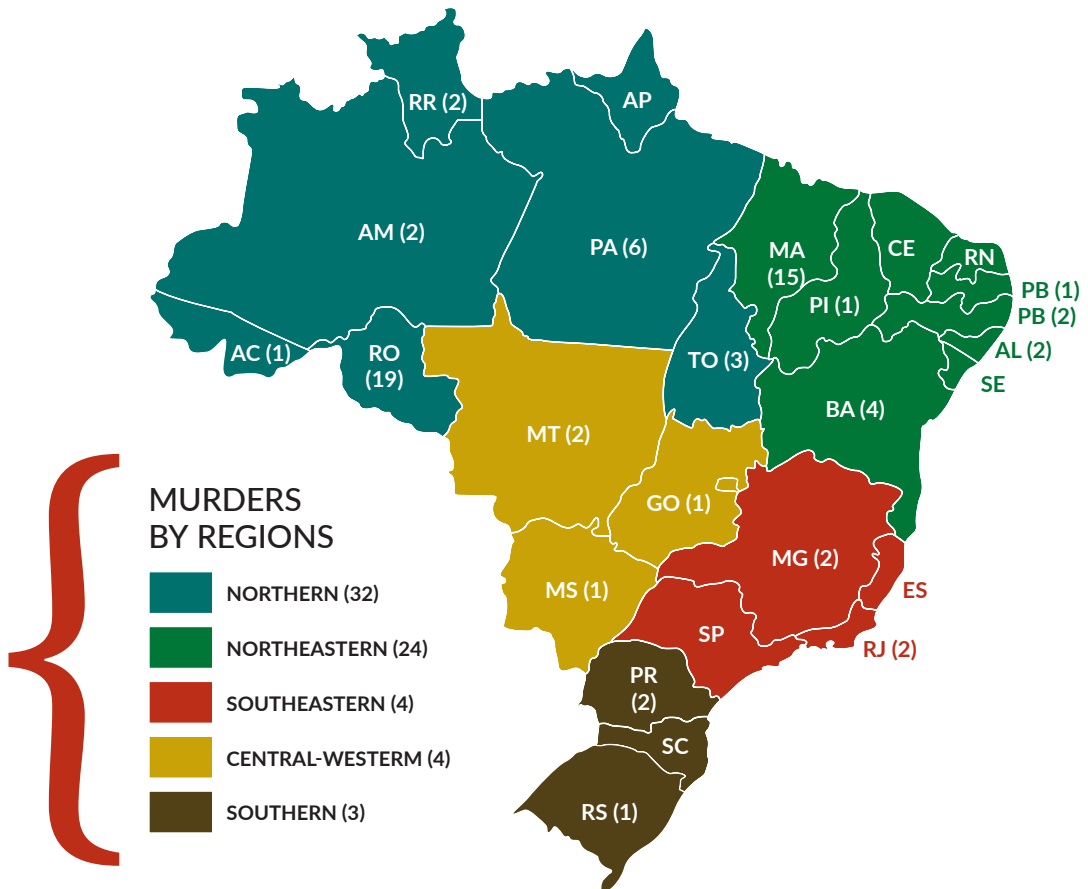
One of the most immediate outcomes of this process of dismantlement of public policies and retrogression of social rights is the aggravation of violence. The excessive force employed by the police in operations in urban and rural areas, the increase in the number of deaths of human rights defenders in regions with agrarian conflicts and the rise of government abuse against vulnerable citizens evidence this, as one can see below.

5 The data on the murders registered in 2016 can be consulted in the committee's map of violations, on the following website: <<http://comiteddh.org.br/mapa/>>.

Human rights defenders murdered in Brazil in 2016

The civil society organizations that compose the Brazilian Committee of Human Rights Defenders (CBDDH) registered 66 instances of murder of human rights defenders in 2016⁵, as well as a general aggravation of the situation of human rights defenders. The vast majority of these homicides occurred due to rural conflicts, and Northern and Northeastern Brazil comprise 84% of these murders, amounting, all told, to 56 murders.

It's important to remark that the regions with the highest number of registered murders are part of the Legal Amazon, which comprises the states in Northern Brazil and part of the states of Mato Grosso and Maranhão. The Amazon region is an area of major agrarian conflicts which involve landless rural workers, indigenous peoples, quilombola communities, and traditional peoples and communities. The retrogression in public policies concerning access to land and territory will have a particular impact on the peoples in that region. In the very first semester of 2017, we registered an even worse scenario: massacres and tortures against peoples of the countryside, the forest and the waters that dwell in the Legal Amazon.



The scenario of violence in Northern Brazil

Northern Brazil has the highest number of murders registered in 2016, whose states Rondônia and Pará are the most emblematic. All told, there were 32 murders, almost all resulting from land conflicts, of both rural workers and leaderships that acted in the defense of the right to land and against the assaults of lumber merchants, land-grabbers, landowners and big companies.

In Rondônia, there's a critical ongoing escalation of violence and criminalization of human rights defenders, under which rural landless workers suffer evictions, aggressions, threats, robberies, persecutions and murders.⁶ In 2015, Rondônia had already stood out with the highest number of deaths in agrarian conflicts in Brazil: 20 workers were murdered, many of which displayed execution traits.⁷ In 2016, the state kept its leadership with those numbers: 19 people were murdered in rural conflicts. The current situation of attacks and direct threats to the lives of human rights defenders is particularly worrisome.⁸

Now, the state of Pará has historically registered extremely serious instances of violence against human rights defenders in the countryside. In 2016, 06 murders were registered, all of which took place in Southern, Southeastern and Southwestern Pará, with an emphasis to 02 homicides that occurred in the municipality of Anapu, the same place where Doroty Stang was murdered in 2005. It should be noted that these regions in Pará concentrate a significant number of instances of rural violence, caused by land dispute. It was in the city of Eldorado dos Carajás, that lies in Southeastern Pará, where in April 17, 1996, 19 landless workers were shot point-blank by the Brazilian Military Police. And it was in Pau D'Arco that the state's second largest massacre since the Carajás massacre happened. In May 24, 2017, 09 men and 01 woman, 07 of which belonged to the same family, were executed by the Military Police of Pará⁹.

6 The situation in the state of Rondônia caused the Committee to submit a request for action to the UN, which can be consulted in the Committee's website: <<http://comiteddh.org.br/wp-content/uploads/2017/06/A%C3%A7%C3%A3o-urgente-Rond%C3%B4nia.pdf>>.

7 Available at: <<http://www.cptnacional.org.br/index.php/publicacoes-2/destaque/3099-nota-publica-o-campo-em-rondonia-um-barril-de-polvora>>. Accessed June 18, 2017.

8 Important data on this scenario was collected by the Human Rights Council of Brazil, which resulted in a report available at: <<http://www.sdh.gov.br/sobre/participacao-social/cndh/relatorios/relatorio-sobre-defensores-de-direitos-humanos-ameaçados-no-estado-de-rondonia-2>>. Accessed June 18, 2017.

9 Available at: <<http://apublica.org/2017/05/cndh-levanta-hipotese-de-vinganca-de-policiais-em-massacre-de-pau-darco/>>. Accessed June 18, 2017.

Violations and persecutions in the urban context and in street demonstrations

We noticed that the violations and criminalization that happen in the cities affect human rights defenders acting for the right to dwelling, groups that defend the rights of the LGBTT population (lesbians, gays, bisexuals, transvestites, transsexuals and transgenders), of sex workers, of the black youth, communitarian leaderships, media activists in slums and marginalized suburbs, and students. For example, Brazil is the country with the highest rate of murder of LGBTTs, with an emphasis to the absurd death rates of transsexuals and transvestites.

The urban context is very ambiguous: On the one hand, it has the highest rates of investment in infrastructure and public services, ease of access and high visibility, which are aspects that indirectly help to protect human rights defenders. On the other hand, in big cities, there's a fast-paced dynamics used to brutal, widespread, diffused violence, which hinders the view and understanding of the attacks committed against human rights defenders. Elements such as official violence, with an emphasis to police behavior, militias supported by big companies, extremist groups acting with sexual and religious violence, murder of women, activists for the homeless, or the prison system are disguised under the so-called urban violence, which covers up the hostility quite aimed at human rights defenders.

2016 was marked by several demonstrations for and against the impeachment of the former President of the Republic, Dilma Rousseff. Particularly after the accomplished coup d'état, the demonstrations were intensified, with thousands of people on the streets, and these demonstrations were marked by police violence. According to ARTICLE 19's monitoring, in the week that spanned from August 29 to September 05, actions of police repression were registered in at least 24 demonstrations against the impeachment, in 09 different states, including the operation conducted by the Brazilian Civil Police in September 04, 2016, in São Paulo, which arrested 26 people before the demonstration, with the clear intent of criminalizing them.¹⁰

The pattern of persecution suffered by secondary students and college students from the police in cities such as Rio de Janeiro and São Paulo is quite remarkable. In those cases, those young people were mapped and actively

¹⁰ Available at: <<http://g1.globo.com/sao-paulo/noticia/2016/09/policia-detem-mais-de-20-pessoas-antes-do-protesto-contratemer-em-sp.html>>. Accessed June 18, 2017.

persecuted, even spied through social media and wiretapping. Students in Rio de Janeiro reported to human rights organizations that they underwent police checks during the demonstrations and also before and after them, along public streets, during the day, in their daily routes.

The free circulation of information and freedom of speech in Brazil also face serious threats. In Brazil, according to a survey conducted by ARTICLE 19, between 2012 and 2015, there were 152 instances of serious violations against communications professionals, particularly homicides, murder attempts and death threats. 70% of these violations included public agents, particularly politicians, among its suspects.¹¹ In 2015, Brazil was ranked in third¹² among the most dangerous countries for journalists, only behind Syria and France¹³. In most cases involving communications professionals, violations are motivated by the political coverage conducted by these professionals, who expose irregularities in the public administration and instances of corruption committed by politicians and other public agents, especially in small cities.

Criminalization and violence against human rights defenders

Beside the many criminal offenses commonly applied in the process of criminalization, such as disobedience, contempt and resistance to arrest, the Brazilian Law System has intensified this kind of violation, resorting even to laws such as the Criminal Organizations Law and the National Security Law against social movements and demonstrators. Throughout 2016, the Committee registered 64 instances of criminalization, attacks and threats against social movements, with an emphasis to the context of big enterprises.

We first highlight the application of the Law no. 12,850/2013, known as Criminal Organizations Law, which brought forth significant changes to the Penal Code, introducing the concept of criminal organization and improving the possibilities of producing evidence throughout a criminal investigation. Among the identified instances of application of the Law no. 12,850/2013 and penal laws to criminalize social movements, we highlight the persecution against the Landless Rural Workers' Movement (MST). The intimidation

11 Available at: <<http://violacoes.artigo19.org/publicacoes#header>>. Acesso em 18/06/2017.

12 Available at: <<https://cpj.org/es/2015/12/siria-y-francia-fueron-los-paises-mas-letales-para.php>>. Accessed June 18, 2017.

13 Available at: <<http://politica.estadao.com.br/noticias/geral,110-jornalistas-foram-assassinados-em-todo-o-mundo-em-2015--diz-ong,1816358>>. Accessed June 18, 2017.

attempt against the aforesaid social movement has reached critical levels in 2016, especially when we consider two cases monitored by CBDDH: The arrest of activists in the state of Goiás and the arrests in the municipality of Quedas do Iguaçu, Paraná.

It should also be noted the approval of the report by the Parliamentary Committee of Inquiry CPI FUNAI-INCRA 2, which began in late 2015, conducted by the Agribusiness Caucus in the National Congress of Brazil. The final report was presented by CPI FUNAI-INCRA in May 2017, by congressman Nilson Leitão (PMDB-MT), president of the Agribusiness Parliamentary Front (FPA) proposes the indictment of at least 67 people, among whom: Indigenous leaderships, activists, public servants, and anthropologists.

CPI FUNAI-INCRA's report suggests that FUNAI and INCRA have been taken by schemes of corruption and truculent actions, but it omits, for example, the increase in the number of conflicts in the countryside in the past few years, including even the murder of indigenous leaderships, quilombolas and landless workers. According to an analysis carried out by the Federal Public Prosecutor's Office of Brazil, CPI FUNAI-INCRA doesn't intend to demarcate indigenous lands still not demarcated; it intends to revoke recently recognized demarcations; it intends to allow the agribusiness to explore already demarcated¹⁴ indigenous lands.¹⁵

Criminalization and violence in the context of big enterprises

O The Brazilian model of development is based on the installation of big infrastructure projects, energy, transport, maintenance of latifundiums, mining, extensive livestock farming and urban reorganization. The effects of this model have been critical for the human rights of the populations that live in surroundings of these enterprises and are affected by them. This model intensifies socio-environmental conflicts and engenders processes of resistance in indigenous peoples, and traditional peoples and communities.

In the scope of big development projects, the processes of criminalization are getting more and more sophisticated. We take, for example, repossession cases,

14 For further information, please access the map of violations on the following website: <www.comiteddh.org.br>

15 Available at: <http://www.mpf.mp.br/pgp/documentos/6CCR_NotaCPI_Funai.pdf>. Accessed June 18, 2017.18/06/2017.

especially prohibitory injunctions, a common tool employed by companies to hinder demonstrations held by the civil society, curbing social mobilization against big enterprises.

The survey conducted by CBDDH identified 16 instances of criminalization that took place in the scope of conflicts involving big enterprises and at least 06 of them involve repossession cases, especially the aforesaid prohibitory injunctions. It is an authoritarian, criminalizing measure, since the prohibitory injunctions are mostly disputed to the disadvantage of a protest or demonstration that seeks exactly to claim the guarantee or reparation to violated rights.

In the criminal sphere, we identified charges involving several crimes, beside the typical attempt to frame an action of a movement as a threat against national security, as they did to activists of the Movement of People Affected by Dams (MAB), who had occupied Tucuruí Hydroelectric Power Plant, in Pará, with the purpose of claiming their rights and ended up sentenced to 12 years in prison, in 2016.

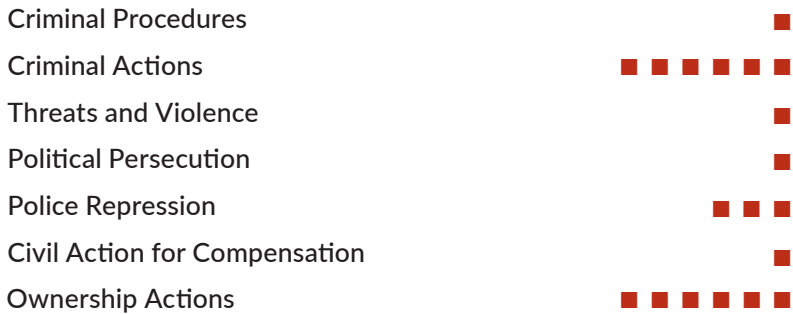
Most of the time, foreign companies end up unpunished, even though they be responsible for irreversible damage against the lives of thousands of people, while those that dare to fight and oppose injustices committed by the arbitrariness of transnational companies are punished, suffering even deprivation of their freedom.

The data collected through the mapping conducted by the Brazilian Committee of Human Rights Defenders was assorted in the charts below in three categories: 1. Kinds of Criminalization; 2. Kind of Conflict; 3. People Involved. Even though these cases don't represent the whole of criminalizing processes committed against these people, their systematization helps to identify common strategies of criminalization in the context of big enterprises.



VIOLENCE IN THE CONTEXT OF BIG ENTERPRISES, 2016

1. KINDS OF CRIMINALIZATION



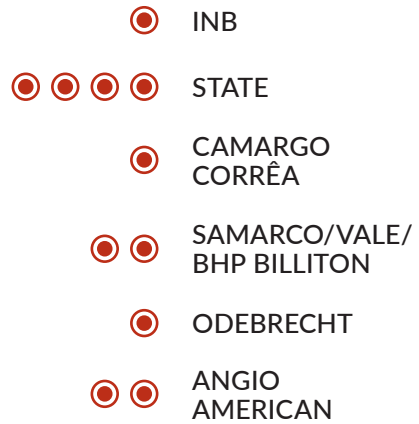
■ NUMBER OF OCCURRENCES

2. KIND OF CONFLICTS (OCCURRENCES)



*UHL: HYDROELECTRIC POWER PLANT

3. INVOLVED (OCCURRENCES)



● NUMBER OF OCCURRENCES

3

FEMALE HUMAN RIGHTS DEFENDERS IN BRAZIL – A BRIEF ANALYSIS

Among the 66 instances of murder of human rights defenders registered in 2016, 06 of those victims were females. In the mapping, it was also possible to identify that female human rights defenders face specific violence due to their gender, a fact that doesn't have much visibility in debates on human rights defenders in Brazil.

Even though women are central individuals in the fight for human rights worldwide, most of the time, they're still invisibilized and deprived of decision-making political spaces in the movements themselves. The difficulty of occupying these political spaces in the movements is due to several reasons: the sexual division of labor, which forces women to work a triple shift; the violence they suffer inside and outside their homes when they set out to fight in the public space; racism, that intends to keep black women in the place of precariousness and objectification; that is, due to sexual violence upon their bodies, taken for male public domain goods.

There's a pattern of sexual violence against female human rights defenders. Instances of female human rights defenders that before being murdered had their bodies violated through rape, or even instances of threats of sexual abuse, are not rare.

There are also threats aimed at women who are also mothers, that are often accused of leaving their children to struggle, and face, in certain contexts, the risk of losing their guardianship.

The criminalization of female human rights defenders is also followed by specific elements of patriarchal violence. When female human rights defenders play leadership roles in the movements they take part in overcoming barriers in the private space they'd be resigned to, as females, they're victimized by the penal system, which seeks to restore the prevailing status quo, putting them back in a position of double subordination, regarding both class and gender. So, female human rights defenders are not doubly, but triply punished. They're punished for opposing class hierarchy, for violating social norms related to their gender role, and for having seemingly violated a legal norm.

4

NATIONAL PROGRAM FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS (PPDDH) (2004-2017)

The National Program for the Protection of Human Rights Defenders (PPDDH) was established in Brazil in October 26, 2004, and look after to guarantee that human rights defenders will have full right to act in defense of their fights and rights. It could be said that this program has been a weak institution throughout the years.

In recent history, in April 2016, the Presidential Decree no. 8724 was signed, bringing forth changes to the structure of the program that erode its structure, because: a) The protection of people or groups in situation of risk and vulnerability ceases to exist and becomes limited to people facing threats, which goes against OAS Resolution no. 53/144 and the PPDDH procedure manual itself, developed by the Brazilian Secretariat for Human Rights in partnership with the civil society and other organs of the public administration; b) It created the Deliberative Council of the PPDDH, but it only guaranteed the participation of state organs, excluding the participation of the civil society, which had fought from the beginning for the council to be an egalitarian space.

Another normative instrument that brought forth problems and contributed for the council's stoppage was the Decree no. 424, published in December 2016, because it changed the way that programs are financed, forcing them to use a public platform that guarantees its transparency. So, all information becomes accessible, and since those partnerships are intended to help people and groups at risk, there are specific rules and precautions regarding the secrecy of the information that must be observed. Otherwise, it could promote violence instead of protection for vulnerable or threatened people.

Implementation of the PPDDH in Brazilian states

The Program for the Protection of Human Rights Defenders exists since 2005, and it has been established in 09 Brazilian states, among which are: Minas Gerais, Espírito Santo, Rio de Janeiro, Pernambuco, Ceará, Bahia, Rio Grande do Sul, Maranhão e Pará. In June 2017, it operates only in the states of Minas Gerais, Maranhão, Pernambuco and Ceará. CBDDH visited 07 of these states.

The states that currently have active programs monitor 219 cases, among which 133 people are included in the program and the other 54 are waiting to be analyzed to join it. The federal technical team monitors 299 cases, among which 233 are people already included in the program and 76 are still being analyzed to join it.¹⁶

The poor expansion of the PPDDH's and the difficult to maintain it are some of the main failures regarding PPDDH's structure that have been identified. In short, there are at least 05 critical points regarding the management/execution of the PPDDHs: a) The instrument to transfer financial resources from the Federal Government to projects working alongside state governments, city halls or civil society entities is unfit (agreement); b) The period of validity for the Agreements is short; c) The number of members in the technical team is limited; d) The legal instrument that establishes the program is precarious; e) The actions lack continuity due to delayed funds transfers.

It is important to remark that when the programs are closed in the states, the responsibility for the protection of human rights defenders is assumed by the Federal Program, by its technical team, located in Brasília. However, the federal team keeps in contact with the human rights defenders, as a rule, through telephone, which is considered a big problem, both because this procedure is considered opposed to the basic safety norms and because it is not possible to effectively monitor anyone through this precarious form of communication.

Assessment of the Protection Policy for Human Rights Defenders

The National Program for the Protection of Human Rights Defenders (PNDDH) hasn't been able to offer the promised protection in its dispositions. The lack of political will by the governments continued to hinder its establishment and left human rights defenders in danger, while the lack of a legal milestone for the program also compromised its efficiency. Its legal milestone, which has moved

¹⁶ Data presented by the Secretariat for Human Rights in the meeting of the National Human Rights Council in March 2017. That data refers to November 2016, except the data related to the state of Bahia, which refers to November 2015. The National Human Rights Council requested up-to-date data to the Program's National Coordination Team, but it still hasn't been sent.

through the National Congress of Brasil since 2009 through the Bill of Law no. 4575/2009 , still hasn't been approved.

Thus, that federal program doesn't exist legally and formally as a public policy. It is supported only by the Presidential Decree no. 6044, from February 12, 2007, and, very lately, through the Decree no. 8724, from April 27, 2016, which, on top of all this, brings forth retrograde measures herein aforementioned.

The absence of procedures for the proper assessment of risks faced by human rights defenders in the specificities of their contexts is also a problem that engenders serious difficulties for the technical team to properly and readily tackle contingent emergencies.

The lack of strategies of protection for specific groups, considering their peculiarities, is another problem that was identified. There are no measures for women, the LGBTTT community, quilombolas and indigenous people, for example. Thus, there's much to improve in a collectivized view on protection. Generally speaking, the adopted measures prioritize individual actions, which, in certain cases, besides not being enough – since it covers whole threatened communities or groups – also neglects a politicized view on local contexts.

All these difficulties worsen when we consider the low budget reserved for the protection policy for human rights defenders by the Federal Government, which is the main financier of policies in Brazilian states.

The budget offered by the Annual Budgetary Law of 2017 (PLOA 2017) to PPDDH amounts to R\$4,600,000.00 (four million and six hundred thousand reais), which is not enough to maintain the federal program working properly, considering the needs exposed in this dossier.

In view of this scenario, a subcommittee composed by public authorities and civil society organizations was created in the scope of the National Human Rights Council in order to handle the protection programs executed by the Federal Government. Among the actions developed by it, a supplementary budget of R\$ 4,000,000.00 (four million reais) was offered, which would amount to a total budget of R\$ 8,600,000.00 (eight million and six thousand reais). But no guarantee that it will happen indeed has been granted by the Federal Union of Brazil. This supplementary budget is necessary for the maintenance and continuity of current actions, as in the temporary shelter provided by the federal technical team and the maintenance of current state programs.

17 Available at: <<http://www.camara.gov.br/sileg/integras/702658.pdf>>. Accessed June 18, 2017.

5

RECOMMENDATIONS AND CONCLUSION

In the face of the current situation of the National Protection Policy for Human Rights Defenders, as well as the aggravation of violence in Brazil, CBDDH proposes the following set of measures:

- Accelerate the procedure and pass the Law of Bill no. 4575/2009 that regulates PPDDH in the Chamber of Deputies in Brazil and is ready to be submitted to the plenary;
- Immediately implement of the National Protection Plan for Human Rights Defenders;
- Expand PPDDH's structure and budget in the scope of the Ministry of Human Rights, in order to guarantee the protection of human rights defenders as a public policy;
- Create a mechanism in the scope of PNPDDH to coordinate the several organs of public administration responsible for tackling the structural causes that engender violations in the context where human rights defenders are;
- Implement a work plan alongside law and public security systems to monitor and track legal actions and police inquests involving human rights defenders, be it for the inquiry of violations and threats, be it to grant legal advice in instances of criminalization of their struggle in defense of human rights;
- Expand and debureaucratize partnerships in the federate states, and search for new ways to execute the protection policy for human rights defenders;

- Improve the methodology for protection, seeking to cover groups and communities for which human rights defenders fight, especially indigenous peoples and traditional peoples and communities;
- Coordinate social policies that meet the dimension of social protection for human rights defenders registered in the program, such as medical care, psychological assistance and social security;
- Create and qualify special police units for the protection of human rights defenders, as well as special organs and procedures for receiving and processing complaints;
- Promote massive campaigns for the acknowledgement and appreciation of human rights defenders, beside improving the promotion and the information on PPDDH available on its website and institutional public papers;
- Urgently create a specific mechanism for PPDDH to meet the demand from Legal Amazon's federate states and Mato Grosso do Sul, involving national and regional organs;
- Create a specific methodology for female human rights defender;
- Respect and apply International Labor Organization's Convention no. 169, which fully attends to the rights of indigenous peoples, quilombolas and traditional communities. The right to previous, free, informed consultation on actions that might overlap their territories is one of the guarantees granted by that treaty.

To the special Rapporteur of the situation of Human Rights Defenders/UN:

- Promote visibility and dedicate particular attention to the vulnerability of human rights defenders in Brazil, especially those fighting for land and territory rights;
- Monitor instances of attacks, threats and criminalization against human rights defenders, including this dimension as a transversal field of work for different organizations, commissions and mandates of special rapporteurs;
- Go on a formal or informal visit/mission to Brazil to acquire a deeper knowledge of the current context experienced by Brazilian human rights defenders and the aggravation of conflict situations that make

them vulnerable, in order to also be able to make an assessment of the over 10-year period since the implementation of PPDDH;

- Present international standards point of views that might contribute for the improvement of Brazilian national protection policies.

In the Brazilian scenario, there has been an aggravation of violence against human rights defenders and a dismantlement of social rights. In view of these intensified violations, it is necessary to strengthen the struggle for human rights conducted by social movements, activists, indigenous peoples, and traditional peoples and communities.

Protection policies can and must play an important role as far as this is concerned, but the states must coordinately implement expanded preventive protection policies that actually guarantee rights. Unless we fight against the structural causes for conflicts, human rights defenders will be increasingly more attacked and human rights will continue to be generally violated.

The recommendations above are essential to attenuate the violent scenario experienced in Brazil. However, in order for its structural causes to be actually attacked, public policies must guarantee rights and conditions for every person to be able to live a dignified life. The rights of peoples from the countryside, the city, the waters and the forest to land and territory; the right to health, education, transportation and dwelling; the rights of women and the whole LGBTT community; the struggle against racism and religious intolerance; the preservation of natural resources and the struggle against a model of development that destroys sociobiodiversity are some actions that might be able to tackle this grim violence scenario.

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BIBLIOGRAPHY

AMNESTY INTERNATIONAL. **Informe 2014/2015. O estado dos Direitos Humanos no mundo.** Rio de Janeiro, Amnesty International Brazil, 2015. 254 p. Available at: <<https://anistia.org.br/wp-content/uploads/2015/02/Web-Informe-2015-03-06-final.pdf>>.

CHAMBER OF DEPUTIES OF BRAZIL. **Relatório Final da Comissão Parlamentar de Inquérito Funai-Incra 2.** Leitão, Nilson (rapporteur). Brasília, Chamber of Deputies of BRazil, 2017. 3385 p. Available at: <<http://www.camara.leg.br/internet/comissoes/comissoes-especiais/CPI/RELAT%C3%93RIO%20CPI%20FUNAI-INCRA%202.pdf>>.

COLETIVO DE DIREITOS HUMANOS DA VIA CAMPESINA; MOVIMENTOS POPULARES DA FRENTE BRASIL POPULAR. **A luta social e a tentativa de criminalização dos Movimentos Populares.** São Paulo, Coletivo de Direitos Humanos da Via Campesina Brasil, 2016. 23 p.

COMISSÃO PASTORAL DA TERRA. **Conflitos no Campo – Brasil 2016.** CPT Nacional, Brazil, 2016. 232 pages.

COMISSÃO PASTORAL DA TERRA. **Conflitos no Campo – Brasil 2015.** CPT Nacional, Brazil, 2015. 240 pages.

JUSTIÇA GLOBAL, TERRA DE DIREITOS. **Na linha de frente: defensores de direitos humanos no Brasil : 2002- 2005.** GAIO, C.D.; ARAGÃO , D. M; FRIGO, D.; GORSDORF, L.; CARVALHO, S. (coord.). Rio de Janeiro, Justiça Global; Curitiba, Terra de Direitos, 2006. 149 p. Available at: <<http://www.global.org.br/wp-content/uploads/2015/09/2005-Na-Linha-de-Frente-II.pdf>>.

LEGAL REFERENCES

BRAZIL. Constitution of the Federative Republic of Brazil. Brasília: Brazilian Federal Senate, 2013.

BRAZIL. Presidential Decree no. 5051, from April 19, 2004, which promulgates Convention no. 169 On Indigenous and Tribal Peoples, from the International Labor Organization (ILO).

BRAZIL Decree no. 8724, from April 27, 2016, which institutes the Program for the Protection of Human Rights Defenders and creates its Deliberative Council, in the scope of the Ministry of Women, Racial Equality, Youth and Human Rights.

BRAZIL. Constitutional Amendment no. 95, which modifies the Transitory Constitutional Dispositions Act (ADCT), in order to institute the New Tax Regime and other provisions.

BRAZIL. Law no. 12850, from August 03, 2013, which defines “criminal organization” and rules on criminal investigations, means of collecting evidence, correlated criminal infringements and criminal procedures.

BRAZIL. Law no. 13019, from July 31, 2014, which establishes the legal regime for partnerships between public administration and civil society organizations

BRAZIL. Law no. 13260, from March 16, 2016, which regulates the disposition in the subsection XLIII from the Article 5 in the Federal Constitution, ruling on terrorism, and investigational and procedural dispositions, and reformulating the concept of terrorist organization.

BRAZIL. Provisional Measure no. 759, which rules on the rural and urban agrarian regulation, on credit settlement for people settled by the agrarian reform and on the agrarian regulation in the scope of Legal Amazon, institutes mechanisms to improve the efficiency in the disposal of real estates by the Federal Union, and institutes other provisions.

BRAZIL. Bill of Law no. 4575/2009, which institutes the Program for the Protection of Human Rights Defenders (PPDDH), in the scope of the Special Secretariat for Human Rights of the Presidency of the Republic.

ORGANIZATION OF AMERICAN STATES. Resolution no. 53/144 from the United Nations General Assembly. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

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