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| **Joint Report on the Situation of Human Rights Defenders in the Americas**  **Questionnaire prepared by the Office of the UN High Commissioner for Human Rights and the Inter-American Commission on Human Rights**  **Submission of Conectas Direitos Humanos (Brazil)** |

**• Situation of human rights defenders**

Economic, political and social crisis combined with governments (at federal level and in several states) clearly hostile to human rights agenda. This is the scenario that has occurred in Brazil since 2014, with an important intensification in 2016 and a tragic development in 2019. The economic and political crisis experienced by Brazil starting in 2014 had a severe impact on the indicators of protection of human rights defenders in the country. With the impeachment of President Dilma Rousseff in 2016 and the coming to power of a government with a refractory discourse on human rights, the plethora of threats intensified clearly. Among the measures adopted in this period are: a) budget cuts of policies to protect human rights defenders at risk; b) institutional demotion of Ministry of Human Rights; and c) advance of measures aimed at shrinking democratic and civic space. As of 2019, the scenario has further deteriorated the election to the presidency of Brazil of extreme right-wing candidate who, for decades, undermines the human rights agenda and attacks its defenders. The list of attacks against human rights defenders is extensive and will be detailed in the following sections, but it is now possible to highlight measures aimed at monitoring civil society, institutional weakening of bodies such as the Brazilian National Indian Foundation (Funai) and the Brazilian Institute of Biodiversity (ICMBio), and deregulation of possession and carry-permit of firearms.

In Brazil, the main risk factors are the institutional weakening and budgetary cuts of organs and policies to protect human and environmental rights defenders and the adoption of public discourse of disapproval for the defense of human rights and threats to those who defend them. Add to these factors a scenario of delay or lack of adequate reparation for human rights abuses and the absence of non-repetition measures in case of harm caused to human rights defenders. The combination of these elements, catalysed by the economic, social and political crisis, has been reflected in indicators of violence against human and environmental rights defenders.

**• Defenders most at risk**

Brazil is one of the most dangerous countries in the world for environmental and human rights defenders. In order to illustrate this context, this section will bring information about violence against rural workers and land rights activists and against defenders of indigenous rights.

Violence against rural workers and land rights activists

According to the Pastoral Land Commission (CPT), **621 persons were murdered in the countryside of Brazil between 2003 and 2017**.



(Source: CPT, "Violence in the field: new records")[[1]](#footnote-1)

The severity of the scenario of violence in the field conflicts and lack of access to land have not gone unnoticed during the on-site visit of the Inter-American Commission on Human Rights (IACHR) to Brazil held in November 2018, the first of its kind since 1993.[[2]](#footnote-2) In a document with preliminary observations presented shortly after the conclusion of the visit,[[3]](#footnote-3) the IACHR expressed concern in the light of the growing violence:[[4]](#footnote-4)

*According to the records of the Pastoral Land Commission (CPT), 21 rural landless workers were killed in 2017; 11 members of quilombola communities; and 6 indigenous victims of violence due to land-related conflicts. Likewise, the CPT pointed out that only 8% of these murders were investigated. In this respect, the Commission expresses its deep concern at the increase in violence in the countryside and the serious problem faced by tens of thousands of rural families who are expelled year after year from the land they occupy. In view of this situation, the IACHR urged the State to immediately and urgently take all necessary measures to guarantee the right to life, integrity and security of defenders of the right to land and the environment in Brazil, with special emphasis policy and budget for the implementation of the Program for the Protection of Human Rights Defenders.*

It is worth remembering that the violence in the field related to land disputes has led the Inter-American Court of Human Rights to hold the Brazilian State internationally ten years ago. In the Sétimo Garibaldi case,[[5]](#footnote-5) the Inter-American Court considered Brazil internationally responsible for violating the rights to judicial guarantees and judicial protection of Mr. Garibaldi's wife and family members, as provided for in the American Convention on Human Rights. At the heart of the condemnation of the Brazilian State is the lack of identification and punishment of those responsible, a situation even more serious in the light of endemic violence in the countryside of Brazil, verified at the time of the events (1998) and still present more than two decades later.

Violence against defenders of indigenous peoples' rights

According to a report[[6]](#footnote-6) by Global Witness in partnership with The Guardian newspaper,[[7]](#footnote-7) 197 defenders of socio-environmental rights were assassinated in 2017. Brazil leads the ranking with **46 defenders killed in 2017**, largely due to tensions in the Amazon region. In accumulated since 2015, Brazil also **appears as the most dangerous place in the world for human rights defenders, with 145 deaths in the period**.

Among the cases highlighted in the report is the attack on five members of the Gamelas indigenous community, which took place on April 30, 2017, in a village 220 kilometers from São Luís, capital of Maranhão state.[[8]](#footnote-8) At the time, five members of Gamala community were shot, and two had their hands cut off, as well as thirteen others wounded by machetes and beaten.[[9]](#footnote-9) The motivation for such acts of violence would be protests against the invasion of Gamela land by farmers and loggers. Other shootings against indigenous people in Gamela lands were recorded in 2015[[10]](#footnote-10) and 2016.[[11]](#footnote-11)

Statements of the current federal government regarding the suspension of the process of demarcation of indigenous lands,[[12]](#footnote-12) as well as attempts at institutional weakening of the Brazilian National Indian Foundation (FUNAI)[[13]](#footnote-13) have been living with new outbreaks of violence against peoples indigenous peoples, including intensification of the invasion of their lands.

According to data from the Indigenous Missionary Council - CIMI, since the election of the current federal government the invasions of indigenous lands have increased by 150%.[[14]](#footnote-14) At the end of October 2018, a health post and a school in Pankararu lands, in Pernambuco state, were attacked with incendiary bombs.[[15]](#footnote-15) In Mato Grosso do Sul state, farmers' convoys fired on a Guarani-Kaiowá community.[[16]](#footnote-16)

In November 2018, during the visit to Brazil of the Inter-American Commission on Human Rights, in a public hearing carried out in the Açaizal indigenous community in Santarém, in Pará state, members of the international body were intimidated and threatened by soy producers.[[17]](#footnote-17) According to a note from the Brazilian Committee of Human Rights Defenders (CBDDH),[[18]](#footnote-18) the producers made "racist and violent speeches against those present and also attempted to identify the license plates of cars, vehicles and vans that took the participants of the meeting up to the territory, in a clear attitude of intimidation." They only left the site after police intervention.

Other reports of violence include the Arara and Arariboia Indigenous Lands, in Pará and Maranhão states, respectively, invaded in January 2019 by loggers and grileiros who have been trying to establish themselves within demarcated areas.[[19]](#footnote-19) According to the Socioenvironmental Institute (ISA), the Uru-Eu-Wau-Wau and Karipuna peoples, both from Rondônia state, also identified new attacks by grileiros on their lands.[[20]](#footnote-20) There are also reports of an attack on the Guarani Mbya indigenous community from the Ponta do Arado retake in Porto Alegre, in Rio Grande do Sul state.[[21]](#footnote-21) In the country's largest indigenous land (Ianomâmi Indigenous Land), recent information reveals the invasion of 20,000 prospectors.[[22]](#footnote-22)

**• Attacks or restrictions**

Statistics on Violence against Human and Environmental Defenders

*(For data on violence against environmental and human rights, see the first paragraph of section “Violence against defenders of indigenous peoples' rights”)*

Violence in the countryside has for decades been endemic in Brazil. According to the Pastoral Land Commission - CPT, there were **71 murders in the field in 2017**, the highest number computed since 2003, when 73 cases were registered. **31 of the victims were killed in five massacres**, including one in May 2017 in Pau D'Arco (Pará state), which killed ten rural workers, the worst massacre since Eldorado dos Carajás, twenty years earlier.[[23]](#footnote-23)

Intimidations within international organizations

Recently, two cases of intimidation perpetrated by public servants against Brazilian human rights defenders in the space of international organizations demonstrate a new pattern of state violence and restriction of democratic space in Brazil. The incidents occurred on March 15 and 19, 2019, during parallel events at United Nations headquarters in Geneva and Vienna.[[24]](#footnote-24)

The first case occurred in the parallel event, entitled "New Authoritarianism: Implications for Human Rights and Civil Society," held on March 15 at the Palais des Nations in Geneva during the 40th session of the Human Rights Council. The panel featured human rights defenders from Brazil, the United States and the Philippines. Among the panelists was Jean Wyllys de Matos Santos, a LGBT rights activist and former Brazilian parliamentarian, who had been elected in the last year for his third term but left the country because of multiple death threats. He has been granted precautionary measures granted by the Inter-American Commission on Human Rights since November 20, 2018.[[25]](#footnote-25)

After Wyllys finalized his speech, Brazil's permanent representative to the United Nations in Geneva, Ambassador Maria Nazareth Farani Azevedo, stated that Wyllys had " abandoned their voters to travel the world to spread fake news, "that the LGBTI population was not being persecuted in Brazil and that it was a" shame "to use the United Nations platform to disseminate criticism to the country. After making her speech, the ambassador rose and left the room without hearing Wyllys' reply, loudly repeating that his presence at the United Nations was a disgrace to the country.

The second parallel event occurred on March 19 during the 62nd session of the Commission on Drugs and Narcotics at the Vienna International Center. The event addressed the militarization of public security in the Americas and policies to reduce the supply of drugs. Among the panelists invited to speak were Luciana Zaffalon, a researcher and secretary of the Brazilian Drug Policy Platform (PBPD), a network of 50 civil society organizations, collectives and experts advocating a reform of drug policy in line with human rights and reduction of damages. Zaffalon presented the current situation in Brazil, highlighting the federal intervention in Rio de Janeiro, and the consequences of it through the violent deaths that occurred during the period - that is, a 35% increase in the number of people killed by police forces.

After the panelist's speech, a man who identified himself as General Coordinator of the Brazilian Federal Police contested Zaffalon, saying that he did not agree with the data presented by her, because the people she was referring to were "criminal people." He repeatedly interrupted Zaffalon, including when she pointed out that the data used came from official sources. "I also own data," the man said repeatedly, "I am a federal agent, I am the General Coordinator of the Brazilian Federal Police," clearly using his position as a means of intimidation. The situation became increasingly tense, and the moderator of the event was forced to interrupt the speeches. The panelists expressed surprise at the agent's tone of voice, which was extremely unusual at side events held at the Vienna International Center. Zaffalon was particularly intimidated by the fact that a senior police officer participating in a United Nations meeting as a member of the Brazilian delegation was willing to publicly justify extrajudicial executions by law enforcement officials.

The two side events were organized by a diverse group of national, regional and international human rights organizations. The intimidation against Wyllys and Zaffalon has raised concerns about open debate, reflection and dialogue, as well as exchanges of criticism, ideas and experiences by civil society actors. Brazilian citizens and others who criticize the Brazilian government should be able to move freely within UN headquarters and to express their visions and ideas at meetings and events. It is of particular concern that Wyllys, which has already been targeted by death threats and is currently under the protection of a regional human rights mechanism, has been the subject of intimidation and personal attacks within the United Nations.

**• Guarantees for the free exercise of the defense of human rights**

Flexibilization of arms control and potential increase of violence against human rights defenders in Brazil

The defense of human rights has been threatened in Brazil by a broad set of legislative, institutional or public policies adopted in the last years. Among them, we will highlight a change in the normative framework that will bring profound impacts on the activity of human rights defenders: the easing of control and the expansion of the circulation of firearms in Brazil.

According to a study conducted by researcher Daniel Cerqueira of the Institute for Applied Economic Research (Ipea), there is a positive correlation in Brazil between the increase in the circulation of firearms and the escalation of homicides: a 1% increase in firearms increases the rate of murders by up to 2%. Today, Brazil has one of the highest homicide rates in the world. According to data from the Atlas of Violence 2019,[[26]](#footnote-26) Brazil reached the historical mark of 65,602 homicides, which is equivalent to a rate of 31.6 deaths per 100,000 inhabitants. This is more than three times higher than the World Health Organization (WHO) index used to consider a situation as an epidemic (10 cases per 100,000 inhabitants). In the last ten years alone, 553,000 people have lost their lives due to intentional violence in Brazil.

On May 7, 2019, Decree 9,785, which repealed the Brazilian Arms Control Act, known as the Disarmament Statute (“Estatuto do Desarmamento”). The new decree, contrary to the law it should regulate, assumes that the requirement of "effective necessity" to have a firearm will be met automatically by a wide range of categories, including lawyers and journalists, as well as residents of rural areas, an estimated population of about 18.6 million people[[27]](#footnote-27) (about 9% of Brazil's population). This is an extremely worrying scenario in light of the seriously high levels of violence in the countryside in Brazil, as mentioned previously.

The regressive agenda in human rights matters adopted by the Brazilian government, including statements and policies to confront landless activists and movements,[[28]](#footnote-28) has the potential to intensify this already extremely tense scenario. In this sense, the first months of 2019 have witnessed at least two cases of murder in the countryside:

* 1. On January 5, 2019, the rural worker Eliseu Queres was murdered inside the Fazenda Agropecuaria Bauru, in Colniza (MT), 1,065 kilometers from Cuiabá, in a conflict that left nine others injured, three of them in serious condition.[[29]](#footnote-29) Colniza had already been the scene of a massacre on April 19, 2017, which resulted in the torture and death of nine people;[[30]](#footnote-30)
  2. On March 21, 2019, five people arrived at the home of Dilma Ferreira Silva, a human rights defender and regional coordinator of the Movement of People Affected by Dams. Neighbors reported hearing very loud music coming from the place, something that was not usual of the couple. The next day, the house was found to have been turned upside down, with three bodies tied up, muzzled and with signs of torture.[[31]](#footnote-31)

1. Available at <<http://bit.ly/2IlKFWW>>. Last access: 03.06.2019. [↑](#footnote-ref-1)
2. More information in: CONECTAS. "Preliminary report of the IACHR brings 71 recommendations to Brazil." 12.11.2018. Available at <<http://bit.ly/2IfhQex>>. Last access: 03.06.2019. [↑](#footnote-ref-2)
3. IACHR. "Preliminary observations of the IACHR's on-site visit to Brazil". November 2018. Available at <<http://bit.ly/2IdKkFw>>. Last access: 03.06.2019. [↑](#footnote-ref-3)
4. Ibid., P. 6. [↑](#footnote-ref-4)
5. The lawsuit refers to the murder of Mr. Sétimo Garibaldi on November 27, 1998, in the context of the extrajudicial eviction of families of landless workers who occupied a farm in Querência do Norte, Paraná. About 50 families, linked to the MST, were camped in the village when a group of about 20 hooded and armed men arrived at the farm at 5:00 am, firing shots into the air, ordering the workers to leave their tents and go to center of the camp, lying on the ground. Mr. Garibaldi was shot by a 12-gauge bullet so he left his tent, being hit in the left thigh. He would die from the injury as a result of a hemorrhage. More information at: Sétimo Garibaldi case. Judgment of Preliminary Objections, Merits, Reparations and Costs. 23.09.2009. Available at <<http://bit.ly/2IfqEkM>>. Last access: 03.06.2019. [↑](#footnote-ref-5)
6. GLOBAL WITNESS. **At what price?**. 2018. Available at <<http://bit.ly/2Ij8DBP>>. Last access: 03.06.2019. [↑](#footnote-ref-6)
7. WATTS, Jonathan. "Almost four environmental defenders a week killed in 2017". In: **The Guardian**, 02.02.2018. Available at <<http://bit.ly/2pq9M1j>>. Last access: 03.06.2019. [↑](#footnote-ref-7)
8. Ibid., P. 43. [↑](#footnote-ref-8)
9. CIMI. "Gamela Indians had severed body members during MA attack; the number of people shot and wounded rises ". 01.05.2017. Available at <<http://bit.ly/2ItSx8T>>. Last access: 03.06.2019. [↑](#footnote-ref-9)
10. INSTITUTO SOCIOAMBIENTAL. "Gamela Indians are being attacked in an occupied area of ​​Maranhão." 03.12.2015. Available at <<http://bit.ly/2IfrSMS>>. Last access: 03.06.2019. [↑](#footnote-ref-10)
11. ENVIRONMENTAL RACISM. "Armed men invade resumption in security company car, shoot and threaten indigenous Gamela". 26.08.2016. Available at <<http://bit.ly/2IfrSMS>>. Last access: 03.06.2019. [↑](#footnote-ref-11)
12. CAVALCANTI, Hylda. "Suspension of demarcations already causes invasions in indigenous lands". In: **Brazil Current Network**. 01.01.2019. Available at <<http://bit.ly/2Ih8b7m>>. Last access: 03.06.2019. [↑](#footnote-ref-12)
13. MONCAU, Joana; LAZZERI, Thais. "Under post-election attack, indigenous lands are unprotected with FUNAI clearing." In: **Reporter Brazil**, 10.02.2019. Available at <<http://bit.ly/2IfDHCM>>. Last access: 03.06.2019. [↑](#footnote-ref-13)
14. BOADLE, Anthony. "Indigenous lands suffer invasions under the direction of Bolsonaro." In: UOL, 05.03.2019. Available at <<http://bit.ly/2IdZDhs>>. Last access: 03.06.2019. [↑](#footnote-ref-14)
15. GAMA, Aliny. "Indigenous village in PE has a school and health center burned, Indians are afraid of new attacks." In: UOL, 29.10.2018. Available at <<http://bit.ly/2IkLnUl>>. Last access: 03.06.2019. [↑](#footnote-ref-15)
16. BOADLE, op. cit. [↑](#footnote-ref-16)
17. G1. "OAS commission accuses bullfighters of intimidation and threats in Santarém". 09.11.2018. Available at <<https://glo.bo/2ImccHM>>. Last access: 03.06.2019. [↑](#footnote-ref-17)
18. ENVIRONMENTAL RACISM. "CBDDH Public Notice: Intimidation during the IACHR visit in Santarém (PA): We will not shut up!". 08.11.2018. Available at <<http://bit.ly/2IkYdSr>>. Last access: 03.06.2019. [↑](#footnote-ref-18)
19. G1. "Loggers invade the Arara Indigenous Land, in southwest PA, says Funai." 03.01.2019. Available at <<https://glo.bo/2IeZDOh>>. Last access: 03.06.2019. [↑](#footnote-ref-19)
20. INSTITUTO SOCIOAMBIENTAL. "Hundreds of invaders enter the Uru-Eu-Wau-Wau Indigenous Land and prepare for the overthrow of the forest." 18.04.2019. Available at <<http://bit.ly/2Ify1Zt>>. Last access: 03.06.2019. [↑](#footnote-ref-20)
21. CIMI. "Mbya Guarani community of Ponta do Arado is attacked by gunfire in Porto Alegre". 11.01.2019. Available at <<http://bit.ly/2IkYLrt>>. Last access: 03.06.2019. [↑](#footnote-ref-21)
22. However, "Invasion in indigenous land reaches 20,000 gold diggers, says Yanomami leader." In: **Folha de São Paulo**, 16.05.2019. Available at <<http://bit.ly/2IeLocc>>. Last access: 03.06.2019. [↑](#footnote-ref-22)
23. On May 24, 2017, ten people were killed by the Military and Civil Police in the rural area of ​​Pau d'Arco (867 km south of Belém), during a police action to reintegrate possession, allegedly organized to execute arrest warrants against occupants of Fazenda Santa Lúcia. It was the largest massacre in the camp since the slaughter of Eldorado dos Carajás in 1996. Fifteen police officers (13 military men and two civilians) were arrested in pre-trial detention and were released by a decision of the Pará Court of Justice on September 18, 2017. later reinstated by the Superior Court of Justice (STJ), and was maintained by the president of the Federal Supreme Court (STF) on January 16, 2018, following a refusal to injunction in habeas corpus required for the defense of civil and military police. See more: TINOCO, Juliana. "The massacre of Pau D'Arco: Why are the massacres repeated in southern Pará?" In: Revista Piauí, ed. 135, December 2017. Available at <<http://bit.ly/2Imd6DQ>>. Last access: 03.06.2019. [↑](#footnote-ref-23)
24. Conectas. “Civil society repudiates intimidation of human rights defenders at the UN”. 09.04.2019. Available at <<http://bit.ly/2I749PU>>. Last access: 09.06.2019. [↑](#footnote-ref-24)
25. Conectas. “Public note: Jean Wyllys’ resignation is a red flag to society”. 29.01.2019. Available at <<http://bit.ly/2I749PU>>. Last access: 09.06.2019. [↑](#footnote-ref-25)
26. LIMA, Renato Sergio de; GOOD, Samira; NEME, Cristina et al (coord). **Atlas of Violence 2019**. Brasília: Rio de Janeiro: São Paulo: Institute of Applied Economic Research; Brazilian Forum on Public Security, 2019. Available at <<http://bit.ly/2wLBfhI>>. Last access: 09.06.2019. [↑](#footnote-ref-26)
27. IBGE. National Household Sample Survey - PNAD 2015. Available at <<http://bit.ly/2If90NY>>. Last access: 03.06.2019. [↑](#footnote-ref-27)
28. Estado de Minas. “'Não tem conversa com o MST', diz Jair Bolsonaro”. 29.10.2018. Available at <<http://bit.ly/2I9MPKb>>. Last access: 03.06.2019. [↑](#footnote-ref-28)
29. CPT. "Colniza (MT): Rural Worker is assassinated in conflict by land". 05.01.2019. Available at <<http://bit.ly/2HU7h1x>>. Last access: 03.06.2019. [↑](#footnote-ref-29)
30. G1. "A year after the massacre that left 9 dead in Colniza (MT), accused of being the principal is not imprisoned." 19.04.2018. Available at <<https://glo.bo/2HTaUVl>>. Last access: 03.06.2019. [↑](#footnote-ref-30)
31. More information: Conectas. "Conectas charges MAB lead murder trial". 25.03.2019. Available at <<https://glo.bo/2HTaUVl>>. Last access: 03.06.2019. [↑](#footnote-ref-31)