



Christian Aid's submission on the Universal Periodic Review fourth cycle: Brazil

1. Previous UPR recommendations

In the third Universal Periodic Review of Brazil in 2017, Member States recommended Brazil take additional measures in the area of business and human rights, including:

136.51 Develop a national action plan on business and human rights in order to prevent development projects from violating the rights of traditional populations, indigenous peoples and workers and causing damage to the environment, and in order to ensure an effective remedy with meaningful consultations with the affected communities;

...

136.54 To further continue the efforts to punish those responsible for the breaking of the retaining walls in Jacarei and Mariana; and to ensure that the victims of this event are guaranteed their right to access to justice, and their right to fair compensation, remediation and reparations for the damage caused.

These recommendations were supported by Brazil at the time, yet remain only partially implemented. These recommendations have become even more pertinent since the latest review of Brazil in the wake of the Brumadinho dam disaster of 2019, one of the worst cases of corporate human rights abuses and environmental degradation in recent history, and now require deepening in the fourth review of Brazil.

2. Brumadinho dam disaster

On the 25th of January 2019, tailings¹ dam I of the Córrego do Feijão Mina Complex in the city of Brumadinho, owned by the company Vale SA, ruptured, spilling 11.7 million cubic metres of toxic waste and mud. The slurry spread downhill to the Paraopeba river, with environmental impacts throughout the 300km Paraopeba river basin and beyond,² affecting rural communities, traditional peoples and urban neighbourhoods in 26 municipalities in the Brazilian state of Minas Gerais.³ Research undertaken by Christian Aid and Movimento dos Atingidos por Barragens (MAB)⁴ documents how, three years on, the devastating environmental and social impacts of the Brumadinho dam rupture continue to undermine women's human rights. Specifically, the research demonstrates how the dam rupture has affected access to water (for drinking and agriculture) and to a healthy environment, gender equality and freedom from violence, decent work and income, and mental health.

This submission seeks to provide Member States with valuable evidence on violations of women's human rights caused by the rupture of the Brumadinho dam specifically, and on how the increasing frequency of tailings dam ruptures indicates systemic problems with this method of extractive waste storage, which is causing widespread violations of the human rights of local communities across the country.

3. Recommendations

For the purposes of the fourth UPR of Brazil, this submission provides the following recommendations for Member States to put to the State:

3.1 Immediate needs

- Context: The environmental damage and pollution caused by the Brumadinho dam's rupture have had profound effects on human rights and the most basic living conditions of affected communities. These impacts have caused many continuing problems for the affected communities, such as problems with water supply and quality, the lack of access to independent information about river water quality and safety, and loss of fish resources.

- **Recommendation:** Address the immediate needs of communities affected by the Brumadinho dam disaster as swiftly as possible, including lack of access to water and loss of income, and develop an emergency damage mitigation plan and reparation plan that recognises and addresses differentiated gender needs and includes timelines.

3.2 Long-term human rights impacts

- Context: The Brumadinho dam's rupture has had profound long-term effects on human rights and the most basic living conditions of affected communities.
- **Recommendation:** Design and implement adequate public policies to guarantee the basic rights of the population affected by the Brumadinho dam disaster, namely access to quality water for domestic and livelihood uses, adequate physical and mental health care, right to gender equality, right to a dignified life, and right to work.

3.3 Reparative measures

- Context: Women have been disproportionately affected by the human rights impacts of the Brumadinho dam's collapse, including impacts on their rights to water and a healthy environment, to gender equality and freedom from violence, to decent work and income, and to health, as well as to related human rights. The dam's rupture has exacerbated gender inequalities. Reparation efforts led by Vale have been insufficient to guarantee women's rights.
- **Recommendation:** Design, adopt and implement reparative measures that further the realisation of the rights of women affected by the Brumadinho dam disaster. These should address the differential impacts of the disaster on women and men and support affected women's leadership and agency, increase their access to resources, and guarantee their freedom from discrimination and violence.

3.4 Access to justice

- Context: After more than 3 years, despite several ongoing criminal and civil proceedings conducted in relation to the Brumadinho dam's collapse, criminal proceedings against Vale have yet to be completed.⁵
- **Recommendation:** Ensure that the victims of this event are guaranteed their right to access to justice and that criminal proceedings against Vale and those in charge of the company are carried out expeditiously.

3.5 Regulations of large-scale mining

- Context: The increasing frequency of tailings dam ruptures indicates systemic problems with this method of extractive waste storage, which is causing widespread violations of the human rights of local communities across the country. Large-scale mining in the country has often caused many other human rights and environmental impacts in local communities.
- **Recommendation:** Design, adopt and implement effective public policies and regulations of large-scale mining. This includes effective measures to ensure that large-scale mining complies with regulations and recognised international standards, especially those dealing with violence against women and other women rights, the rights of traditional peoples and communities, and the rights of populations affected by dams. This includes effective regulation of tailings dams and other methods of extractive waste storage and disposal.

4. Principal violations of women's human rights

4.1 Violations of women's right to water

The region affected by the rupture of dam I at the Córrego do Feijão mine surrounds the Paraopeba River. The immediate impacts were on the mine's facilities, staff and nearby communities and infrastructure that were buried under the wave of mud and ore tailings as it travelled seven kilometres downhill before reaching the Paraopeba itself. Ore tailings then contaminated the river water and made the river unusable. After the rupture, water supplies to the municipalities of Brumadinho, Betim, São Joaquim de Bicas, Juatuba, Esmeraldas, Mário Campos, Igarapé, and Pará de Minas were compromised for approximately 600,000 people. The environmental damage and pollution caused by the dam's rupture affected an entire way of life and culture and limited the possibilities for local communities to resume their quality of life in future. This has caused many continuing problems for the affected communities, such as problems with water supply and quality, the lack of access to independent information about river water quality and safety, loss of fish resources, and continued dependence on water deliveries. Women who participated in our study commented on the quality of the supplied water, including water supplied by Copasa. Violeta described the steps women had to take to address this: 'After the rupture, in addition to the network interruption, we started to receive poor quality water. Water with a shiny powder in it. However, they say the water is good. And when we complain that the water is dirty (the day before yesterday it still arrived like that)...they cut the supply off. We've gone five days without a drop of water in the tap. And we were going after Copasa, we were knocking every door, we had to make a protest to be received'.

The women also testified that a lack of up-to-date and reliable information on the contamination of the river, air and soil is preventing informed decisions on whether or not to resume their activities on the river and its waters. This has important implications for the local economy and livelihoods. In a meeting in São Joaquim de Bicas, affected women described shortages of water for agricultural irrigation and livestock and raised concerns about contamination and soil fertility close to the riverbanks, as well as loss of fish. In Mário Campos, Juatuba and Brumadinho, where agriculture is particularly important in local economies, and in São Joaquim de Bicas, Curvelo and Pompéu, where fishing is important, women reported lost incomes and as a result, impacts on their socioeconomic relations, both within the family and externally.

These continued problems with water supply and quality had profound impacts on the lives of affected women, many of whom are caregivers and providers for their families and depended on the river and its environs, not only for drinking water, but also for activities including fishing and agriculture, generating income from tourism and for leisure activities with children. For women, lack of water and access to the river has interacted with gender norms and the division of household labour to reinforce deep gender inequalities.

4.2 Violations of the freedom from gender discrimination and violence

Gender-based violence has intensified since the Brumadinho dam rupture, affecting various aspects of women's lives. Women who participated in our study raised concerns about Vale co-opting women in the affected territories and, when these women were not easily swayed, refusing to recognise them as legitimate representatives of the affected communities. Violeta said, '*When Vale doesn't get to sway a female leader, they stop recognising her as a leader. I myself, when I had a clash with them, they asked me who the main leadership was and, soon afterwards, they cut off my emergency aid*'.

There is evidence that Vale has failed to recognise the specificities of women's lives when addressing the impacts: Margarida claimed that: '*In my point of view, the company doesn't do a thing to assist the women. They do it their way, same thing for all. They treat us the same way, man or woman. There are no specific initiatives for women*'. There were also reports that the company invisibilises and

harasses women. Íris, who is 38 years old and resident in the municipality of Brumadinho described it thusly: *‘The harassment towards these women is also huge. When a woman speaks in a public assembly, they try to erase her as much as they try to harass her. Unfortunately, that old chauvinist saying persists: “women, as the gentle sex, need someone to take care of them”’*.

The affected women describe a scenario of disrespect and failure on the part of Vale to take seriously their suffering. Íris, referring to Vale’s community engagement mechanism said: *‘In the Relacionamento com a Comunidade (RCs) we are used to seeing them stalling. They trample on these women’s patience, because the majority of people demanding the supply of basic rights items are women. The RCs treat those people as functional illiterates, as if we have blindfolds on and don’t know the truth’*.

The women’s reports also demonstrate how this disaster has compounded injustices such as labour exploitation, especially in unpaid domestic and care tasks, and in paid employment in which women earn lower wages for doing the same work as men. For example, Íris explained how disruption to roads and transport made children’s journeys to school much longer, adding to women’s childcare responsibilities: *‘All inhabitants were affected. However, the consequences in the women’s daily routine were heavier. Right after the rupture, for example, it changed the whole district’s dynamics. The children couldn’t go to school and [then] for around four months we had to take them to school and back home, there was no transportation, so the women had to organise a lift system’*.

The women also report an increase in intimate partner violence related to factors caused by the dam rupture such as suffering caused by loss of income and leisure opportunities and disruption of community and family spaces.

The research found a very strong relationship between income, intimate partner violence and women’s financial dependence. Violeta described the effects of lack of income on women: *‘The impact is huge for everyone, but for us women, the lack of income is a prison. Because our income gave us some freedom, meaning a certain level of control over our own lives’*.

Faced with an alarming increase in violence against women, there has been an apparent failure of duty bearers to deliver their obligations to resolve or mitigate the situation. The women expressed that even existing laws protecting women against violence are not being complied with and protection networks are not being strengthened. Only two of the cities, Betim and Curvelo, have police stations and facilities to address this type of case.

4.3 Violations of women’s rights to decent work and income

As compared to men, women were also disproportionately affected by loss of income and work due to the Brumadinho dam rupture. One important cause of this is that many of the women depended on informal sources of income. At an online meeting of affected women in the Paraopeba River basin on 31 July 2021, the women spoke of how livelihoods, particularly in agriculture and fishing, had been ‘extinguished’ because of contamination, shortages of water or lack of funds to invest in production.

As income-generating work decreased, unpaid care and domestic work increased. Problems relating to water access and quality, increased dust due to transportation of ore in open trucks and disruption of social uses of the river particularly by children have been key factors in causing increases in women’s unpaid care and domestic work.

Finding alternative sources of employment is now a significant challenge for affected women, including because of increased domestic and care work, increased risk of violence and reduced financial independence.

The women felt that sufficient reparations for the impacts of the dam rupture on rights and living conditions in affected communities have yet to be delivered. In February 2021, Vale, the Minas Gerais State and other State institutions reached an agreement that provides for a series of socio-economic, environmental and humanitarian reparation measures for the 26 affected municipalities.⁶ The agreement seeks to compensate for collective damages and thus, specifically provides that “it does not cover individual damages.”⁷ Vale committed to pay 37.6 bn reais (approximately £5 bn) to fund the actions and programmes set out in the annexes. Currently, most of the plans, programmes and projects envisaged in the agreement are still in the planning stage. It is important that the situation of the affected women be taken into account during the design and execution of the planned activities, including the fact that many women carried out informal work.

4.4 Violations of women’s right to health

There have also been multiple impacts on women’s and local communities’ health. These include negative dietary changes and other impacts of water contamination, and respiratory illnesses, which are now more frequent and severe due to the increased amounts of dust. The women also report mental health issues. Many women spoke of “fighting” for their family’s health and wellbeing, and of the stress, depression, pain and sadness this has caused. Women reported increased illness among children and grandchildren, concerns about the quality of water available for bathing them, and children’s deteriorating mental health.

Women reported observing an increase in suicidal ideas among people in their communities, increases in suicide cases and in cases of depression, and people having difficulty sleeping. Loss of work outside the home, which was important for women to socialise as well as for income, has left some women more isolated and reduced many women’s financial autonomy. These factors are contributing to mental ill health and render women more vulnerable to other rights violations, such as intimate partner violence.

Women’s suffering is intensified when remedial or reparation actions are not taken or are delivered in an unsatisfactory manner. Insufficient action by Vale in this regard has been compounded by the State’s failure to intensify health care efforts after the rupture, or to guarantee basic health care to the affected population. The interviewees specifically highlighted the lack of State attention to mental health and women’s health care needs.

4.5 Need for effective public policies and regulations of large-scale mining and dams

As recognized in the Council’s recommendation number 136.54 on the preceding review of Brazil, there have been several similar tailings dams ruptures in Brazil in recent years causing widespread human rights and environmental harm. These include the rupture of the Fundão dam in 2015. Large-scale mining in the country has often caused many other human rights and environmental impacts in local communities, such as displacement of these communities; impacts on water supply and quality, loss of fish and forest resources; harm to indigenous peoples’ lives and livelihoods; and threats to those who speak out.⁸ In a context in which mineral extraction through large-scale mining is one of Brazil’s main economic activities, effective public policies and regulations of large-scale mining are urgently needed.

5. Conclusion



This research demonstrates that the Brumadinho dam's collapse significantly affected the most basic living conditions, causing serious violations of a wide range of human rights of women and local communities as a whole. These impacts have generated specific concerns and differential burdens on women which, if not adequately addressed, will contribute to a 'vicious cycle' of poor health, gender-based violence and poverty.

Christian Aid exists to create a world where everyone can live a full life, free from poverty. We are a global movement of people, churches and local organisations who passionately champion dignity, equality and justice worldwide. Since 1945, we have provided long-term development support and humanitarian relief for affected communities worldwide, while highlighting suffering, tackling injustice and championing people's rights.

¹ Tailings are waste materials resulting from mining.

² Cristiane dos Santos Vergilio, Diego Lacerda, Braulio Cherene Vaz de Oliveira, Echily Sartori, Gabriela Munis Campos, Anna Luiza de Souza Pereira, Diego Borges de Aguiar, Tatiana da Silva Souza, Marcelo Gomes de Almeida, Fabiano Thompson & Carlos Eduardo de Rezende, *Metal concentrations and biological effects from one of the largest mining disasters in the world (Brumadinho, Minas Gerais, Brazil)*, Scientific Reports 10, 5936, 2020. <https://doi.org/10.1038/s41598-020-62700-w>

³ The 26 municipalities include Abaeté, Betim, Biquinhas, Brumadinho, Caetanópolis, Curvelo, Esmeraldas, Felixlândia, Florestal, Fortuna de Minas, Igarapé, Juatuba, Maravilhas, Mário Campos, Morada Nova de Minas, Paineiras, Papagaios, Pará de Minas, Paraopeba, Pequi, Pompéu, São Gonçalo do Abaeté, São Joaquim de Bicas, São José da Varginha and Três Marias.

⁴ Christian Aid and Movimento dos Atingidos por Barragens (MAB), *The Mud Went through my Soul: voices of women affected by the Brumadinho dam rupture*, 2022. <https://www.christianaid.org.uk/sites/default/files/2022-01/The%20Mud%20Went%20Through%20my%20Soul%20FINAL.pdf>

⁵ One recent development in this regard was Brazilian Federal Police's decision on 26 November 2021 to recommend multiple criminal charges against Vale and several of its staff for their role in the dam's rupture. For more information, see Federal Police, *Nota à imprensa - PF conclui inquérito sobre o rompimento da barragem da Vale em Brumadinho*, 26 November 2021. <https://www.gov.br/pf/pt-br/assuntos/noticias/2021/11/pf-conclui-inquerito-sobre-o-rompimento-da-barragem-da-vale-em-brumadinho>

⁶ Acórdão Judicial Para Reparação Integral Relativa ao Rompimento das Barragens B-I, B-IV E B-IVA / Córrego do Feijão Processo de Mediação SEI n. 0122201-59.2020.8.13.0000 TJMG / CEJUSC 2º GRAU, 2021. <https://www.tjmg.jus.br/data/files/8D/20/B5/1A/87D67710AAE827676ECB08A8/Minuta%20versao%20final.pdf.pdf>

⁷ Ibid. Sections 3.1. and 3.6.

⁸ See e.g., Ítala Nepomuceno (2021), *Floresta Nacional de Saracá-Taquera: a quem se destina? Conflitos entre uso tradicional e exploração empresarial*, Comissão Pró-Índio de São Paulo.