



Brazil

Submission to the UN Universal Periodic Review 13th Session of the UPR Working Group

Submitted 28 November 2011

Submitted by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

1. (A) Introduction

1.1 CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.

1.2 In this document, CIVICUS outlines urgent concerns related to the environment in which civil society activists and human rights defenders operate in Brazil, and about threats faced by them in the exercise of the freedoms of expression, association and assembly.

- Under Section B, CIVICUS highlights assassinations and harassment of environmental and land rights activists
- In section C, CIVICUS highlights concerns regarding threats to human rights defenders working on police accountability issues
- In section D, CIVICUS highlights weakening of the right to information through the exercise of presidential veto
- In section E, CIVICUS makes a number of recommendations in the areas of concerns listed.

2. (B) Assassinations and harassment of environmental and land rights activists

2.1 The National Programme for the Protection of Human Rights Defenders in Brazil is beset with serious infirmities which include lack of coordination between state and federal agencies as well as its operation only in a handful of states. Civil society activists working to protect the environment, rights of indigenous people and landless workers face enormous risks to their lives from mafia groups as well as owners of large farms and cattle ranches. Failure of the police to properly investigate and bring to justice the all the perpetrators who instigate and commit crimes against activists remains a major cause of concern.

2.2 In course of 2010-2011, a number of environmental activists were murdered by hired gunmen to prevent them from pursuing complaints with the authorities in the states of Para and Rodondia. The victims include Mr Adelino Ramos, a prominent land rights activist campaigning against illegal logging activities in the rain forest; Mr Joao Chupel Primo, who had lodged numerous complaints of illegal logging in national forest areas; and a couple working for over two decades to protect the rain forest- Mr Jose Claudio Ribeiro da Silva and Ms Maria do Espirito Santo da Silva. Many of the murdered activists had complained previously about death threats issued to them.

2.3 There are also reports of the police actively conniving with powerful vested interests to harass and prevent environmental activists from protecting the rights of indigenous people. In June 2010, Ms Gliceria Jesus da Silva member of the National Indigenous Policy Commission was detained and charged with “robbery” by the police a day after she represented concerns about violence against her indigenous Tupinamba community to the then President of Brazil.

3. (C) Threats to human rights defenders working on police accountability issues

3.1 Despite efforts by the Brazilian government to establish institutions to make the police accountable, excessive use of force by the police and their complicity in human rights violations remains rife in the country.

3.2 The overall atmosphere in which the police routinely rely on violence to control criminal activities poses additional risks for civil society activists documenting and highlighting violations committed by police officials. In February 2011, Mr Sebastiao Bezerra da Silva who was involved in documenting extrajudicial executions, torture and other human rights violations by the police was found murdered on a farm in Tocantins state. He had previously reported threats to his life on account of his professional activities as a human rights defender.

4 (D) Weakening of the right to information through the exercise of presidential veto

4.1 In November 2011, a long standing demand of civil society for freedom of information legislation was finally met. This law to advance the constitutional right to freedom of information holds enormous potential for civil society to challenge endemic corruption in Brazil as well as to obtain information regarding human rights violations.

4.2 A presidential veto was exercised over the provision in the original bill passed by Parliament which required mandatory notification to the Public Prosecutor’s Office in instances where access to information essential to safeguard human rights was denied. Exercise of presidential veto on this key provision to safeguard human rights has weakened the constitutional right to information.

5. (E) Recommendations to the Government of Brazil

5.1 CIVICUS calls on the Brazilian Government to create an enabling environment for civil society to operate in accordance with the rights enshrined in the Constitution of Brazil, the ICCPR and the UN Declaration on Human Rights Defenders.

- In particular, the Government of Brazil should guarantee the following minimum requirements in policy and practice for civil society to operate: freedom of association; freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding, and the state's duty to protect

5.2 Regarding assassinations and harassment of environmental and land rights activists

- Adequate funding should be provided to the National Programme on Protection of Human Rights Defenders based on nation-wide consultations with civil society groups.
- The National Programme on Protection of Human Rights Defenders should be extended as a matter of priority to all states and federal districts.

5.3 Regarding threats to human rights defenders working on police accountability issues

- Complaints regarding cases of harassment of civil society activists by police officials should be given a high priority and subjected to federal investigation.

5.4 Regarding protection of the freedom of information

- The provision for mandatory notification to the Public Prosecutor's Office in cases of denial of access to information essential to safeguard human rights should be reinstated in freedom of information legislation.
- An independent body to consider appeals on freedom of information applications that have been denied by the government should be established.