

BRAZIL



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WE LIVE IN A SITUATION OF SYSTEMIC AND RECURRENT VIOLENCE. THE IMPUNITY FOR HUMAN RIGHTS VIOLATIONS ENSURES THE EFFECTIVENESS OF REPRESSION AND INCREASES THE NUMBER OF PEOPLE AND GROUPS THREATENED AND MURDERED

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URGENT ACTION GROUP OF THE HUMAN RIGHTS COUNCIL OF BRAZIL

IN RECENT YEARS THERE HAS BEEN A RESURGENCE OF VIOLENCE AGAINST HUMAN RIGHTS AND HUMAN RIGHTS DEFENDERS (HRDs) in Brazil and a reduction in the protection of human rights by the state. Police use excessive force, particularly during protests. Young people and black men, especially those living in favelas and other marginalised communities, and those who defend their rights, are disproportionately targeted with violence by law enforcement officials. HRDs, especially those defending land and environmental rights, or the rights of indigenous and Quilombola (Afro-descendant) peoples face increased threats and attacks. Violence against women and girls is widespread, yet the specific risks faced by women human rights defenders (WHRDs) is largely ignored, both by civil society and the government. Human rights violations and discrimination against refugees, asylum seekers and migrants has intensified, creating a climate of hostility to the work of HRDs.¹⁷ Given the increasing levels of violence against defenders and the systematic dismantling of the state systems of protection¹⁸ for human rights, it is now more necessary than ever to strengthen the struggles of social movements, activists, indigenous peoples and communities to achieve the protection of their human rights by prioritising the implementation of an effective strategy to protect HRDs.

The situation of HRDs in Brazil is closely connected to the political and economic crisis in the country. The economy has suffered a huge recession, with real income per capita down 9% between 2013 and 2016; growth is structurally too slow; the fiscal position is unsustainable; and a corruption scandal¹⁹ has engulfed the political elite and leading businessmen. According to projections based on World Bank data, Brazil will be the weakest economy in the region through 2019.²⁰ At the same time, the Supreme Court has authorised investigations into one-third of current cabinet members, one-third of senators, and one-third of state governors, as well as the president, leaders of Congress and of the main political parties.²¹ Following the impeachment of President Dilma Rouseff, the political and economic elites are even more determined to advance with projects based on the extraction and exploitation of the natural and human resources of Brazil, as a solution to their economic woes. The government and its allies in Congress, see any attempt to protect the environment, the rights of indigenous peoples or peasant communities as a threat to their economic interests. However, in a surprise move, the Brazilian government has officially announced that it would call an end to its previous mega-dam building policy, including the construction of several large dams in the Amazon region. This would potentially remove a major threat to the livelihood of indigenous peoples in the region.²² The political crisis, besides creating instability, has contributed to the intensification of expressions of hatred towards, and attacks on, HRDs. Despite the fact that considerable efforts have been made in recent years to fully document the attacks, there is still under-reporting due to the complexity of the situation, including; the size of the country and the difficulty in accessing accurate information from remote areas.

THIS SITUATION IS EXACERBATED BY THE FACT THAT THOSE IN POWER ARE FOCUSED ON PROTECTING THEIR OWN SELF- INTEREST, THE INTERESTS OF LARGE LANDOWNERS, AND TRANSNATIONAL CORPORATIONS, AND REINFORCED BY THE INFLUENCE OF THE MILITARY AND AND PERSISTENT SOCIAL, ETHNIC, RACIAL AND GENDER INEQUALITIES

In 2016, the Dom Tomás Balduino Documentation Centre – CPT²³ (set up by the Comissão Pastoral da Terra/Pastoral Land Commission to collect and analyse information on human rights violations in rural areas) documented the largest number of conflicts in rural areas in the previous 32 years. 1,079 conflicts were recorded, an average of 2.9 incidents per day. Additionally, murders of activists in rural areas increased by 22% compared to 2015 and represented the highest number of cases since 2003.²⁴ The report, *Vidas em Luta: Criminalização e Violência contra Defensoras e Defensores de Direitos Humanos no Brasil*²⁵ published in 2016 by the *Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos*²⁶ (CBDDH) and based on data from Dom Tomás Balduino Documentation Centre – CPT, documented the killing of 66 HRDs in 2016. In its Annual Report for 2017, published in January 2018, Front Line Defenders reported the killing of 65 HRDs in Brazil.²⁷ The revised figures for 2017, published in April 2018, by Dom Tomás Balduino Documentation Centre – CPT show this dramatic increase continuing with 70 killings recorded, a 15% increase over 2016.²⁸ The big change in 2017 is the increase in the number of massacres.²⁹ Of the 70 killings recorded in 2017, 28 or 40%, were during a massacre.³⁰

This situation is exacerbated by the fact that those in power are focused on protecting their own self-interest, the interests of large landowners, and transnational corporations, and reinforced by the influence of the military and and persistent social, ethnic, racial and gender inequalities. As long as there is no move to address the systemic causes of injustice there will continue to be daily attacks on HRDs and the general abuse of human rights. Although most of the killings in the country are related to the defence of land and indigenous peoples' rights, violence against HRDs has gone far beyond these sectors and includes violations in urban areas, such as against HRDs working in the *favelas* of Rio de Janeiro or LGBTI activists in Curitiba. The Brazilian economic model is largely based on the development of mega projects such as dams and hydroelectric schemes which impact hugely on the lives of the indigenous peoples. The decision to end the development of hydro-electric dam projects in the Amazon basin is a welcome development. These projects should be developed under the supervision of appropriate state

bodies. However, the current lack of supervision results in planning and financial irregularities due to a failure to measure the social and environmental impact of these projects. This “development at any cost” model³¹ premised on the ruthless exploitation of the natural resources of the country, is inherently discriminatory in that it prioritises short-term economic gains for the few over access to rights for the majority of the Brazilian population.

ATTACKS ON RURAL WORKERS

Big landowners hold about 45% of Brazil’s countryside,³² while small farmers own just 2.3 percent of the land. This concentration of resources in the hands of a wealthy few derives from the country’s history of slavery and the mass killings of indigenous peoples. The result today is chronic tension between those who have land and those who do not.³³ This has created a situation of worsening and sadly predictable violence that is affecting the lives of those who defend human rights in Brazil.³⁴ Families living on land that is being resettled under the agrarian reform programme live under the threat of constant attack, ranging from death threats, torture, being held in captivity, houses being set on fire, fences being cut down, poisoning through the aerial spraying of pesticides and shooting at houses and vehicles. According to a 2017 Global Witness report,³⁵ 46 land and environmental rights defenders were killed in Brazil in 2017.³⁶ In the majority of these cases there has not been a proper investigation, and perpetrators have not been brought to justice.

The Brazil Human Rights Defenders Committee³⁷ considers that an early warning system to identify serious conflicts as they develop is of extreme importance and would enable the government to intervene pre-emptively to prevent the worsening of human rights violations, such as the increase in the number of multiple killings. While the state has overall responsibility for the protection of HRDs, in many cases police or members of the security forces are implicated in the killings. The state has a clear responsibility to protect HRDs but also to take effective action against perpetrators within the police and security forces. According to data from the Dom Tomás Balduino Documentation Centre – CPT, in 2015 there were 50 deaths, 144 people were threatened and there were 59 attempted killings in rural areas. The states of Rondônia, Pará and Maranhão accounted for 90% of these cases. In 2016, the north and northeast regions were the most dangerous for HRDs, accounting for the majority of killings with 56 murders.³⁸ Since 2017, the pattern of killings has shifted from individual killings to brutal attacks on communities, distinguished by extreme cruelty.³⁹ In May 2017, ten land rights defenders were shot dead by police in Pau D’arco. Six weeks later, a witness to the killings, who had gone into hiding, was also murdered.

WHILE A NUMBER OF LAWS PROTECTING THE RIGHTS OF INDIGENOUS PEOPLES CAME INTO EFFECT FOLLOWING THE INTRODUCTION OF THE 1988 CONSTITUTION, THE FACT REMAINS THAT AFTER MORE THAN 25 YEARS, THERE IS STILL MUCH TO BE DONE TO IMPLEMENT THESE RIGHTS

INDIGENOUS PEOPLES AND QUILOMBOLA

Indigenous peoples and traditional communities are routinely marginalised in Brazilian society. Their lands and territories are usurped by land grabbers, farmers, and by the state itself. While a number of laws protecting the rights of indigenous peoples came into effect following the introduction of the 1988 Constitution, the fact remains that after more than 25 years, there is still much to be done to implement

MARIA TRINDADE DA SILVA COSTA



Maria Trindade da Silva Costa was a Quilombola (afro descendant) leader in the Santana do Baixo Jambuçu community in Moju, Pará state. On 23 June 2017 Maria Trindade set off on her bicycle to visit friends in the area. Her body was found the next day. She had been badly beaten and there were signs of sexual assault. According to family members Dona Trindade as she was known, was popular in the area and known for her work as a community leader and a respected defender of Quilombola rights. She was also an active member of a local church. The

brutality and sexual nature of the attack highlighted once again the double impact of racism and gender discrimination faced by black women in Brazil and especially the vulnerability of women like Dona Trindade who campaign for Quilombola rights.

FLAVIO GABRIEL PACIFICO DOS SANTOS



On 19 September 2017, Quilombola (afro descendant) leader, 38 year old Flavio Gabriel Pacifico dos Santos, known to everyone as ‘Binho do Quilombo’, was shot at least 10 times and killed in the city of Simões Filho. Binho do Quilombo was the son of the former Secretary for the Promotion of Racial Equality in the municipality, Maria Bernadete Pacifico. He had just dropped his son off at school and was driving to the funeral of a friend when a white car pulled up and two men opened fire. Binho do Quilombo was a respected defender of Quilombola rights in the

Pitanga de Palmares area. He had also stood as a candidate in the council elections of 2012 and 2016.

these rights, especially with regard to access to and recovery of land. “The judicial uncertainty generated by the lack of territorial recognition exacerbates these conflicts and the situation of vulnerability that these communities suffer when dealing with actors with an economic interest in those territories”.⁴⁰ Even the limited progress achieved to date is under threat from government proposals to reduce the amount of indigenous peoples’ land and to undermine the work of FUNAI⁴¹ and INCRA⁴² (the bodies responsible for protecting the rights of indigenous peoples) to demarcate and grant titles to indigenous peoples’ land. In May 2017, the final report of the Parliamentary Committee of Inquiry (CPI) investigating FUNAI and INCRA was approved. This report worryingly demanded the indictment of 67 people, including indigenous peoples’ leaders and anthropologists. This criminalisation and dismantling of the work of INCRA and FUNAI is a particular area of concern as this serves the interests of the landowning “ruralist” group⁴³ in the National Congress, which wants access to large tracts of land belonging to indigenous peoples. This group views the work of FUNAI and INCRA, and the process of agrarian reform, as a threat to its economic interests.

The CPI report⁴⁴ alleged that FUNAI and INCRA were involved in corruption and were unnecessarily confrontational, but omitted any reference to the increase in land conflicts in recent years, and the increased incidence of murders of indigenous leaders, Quilombolas and those campaigning for the redistribution of land. Since 2015 there has been a consistent increase in violence against members of Quilombola communities. According to Brazilian civil society organisations, 14 members of Quilombola communities were killed in 2017. The violence against indigenous peoples in the state of Maranhão, which is home to the Gamela people, is typical of the crisis across the country. There are currently some 376 communities in the state of Maranhão that are experiencing rural violence and conflict. In 2016 alone, 196 incidents of violence against rural communities were reported. Maranhão was the state with the highest number of murdered indigenous people in 2016. In 2016 the *Conselho Indigenista Missionário* (the Indigenous Missionary Council – CIMI) denounced various paramilitary attacks organised by ranchers targeting leaders of the Guarani – Kaiowá people in Mato Grosso do Sul. One attack resulted in the death of Clodiodi Aquileu.⁴⁵ Film footage showed several armed men setting fire to dwellings in a brutal episode which, in addition to killing one indigenous person, left another six wounded, including a child. The Guarani-Kaiowá ethnic group is made up of approximately 60,000 people living in more than 50 communities. Although the case of Mato Grosso do Sul is particularly dire, there is a clear pattern of abuse and violence against indigenous HRDs across Brazil.

In Bahia, the Tupinambá indigenous people also suffer all kinds of prejudice and physical and cultural violence. Death threats are constant and their leaders are persecuted, attacked and imprisoned. The failure of the state to acknowledge or address the issue of attacks on Quilombola and indigenous peoples and their leaders indicates that there is a real risk of these indigenous peoples being marginalised in order for their lands to be appropriated and to facilitate the exploitation of the natural resources available there. This fact of virtual total impunity means that indigenous peoples’ rights defenders and community leaders can be picked off systematically as a way of terrorising the whole community. The indigenous peoples of Brazil, and their leaders, are more at risk now than at any time in their recent history.⁴⁶

THE VIOLENCE AGAINST AND CRIMINALISATION OF HRDS THAT OCCURS IN CITIES PARTICULARLY AFFECTS THOSE WORKING FOR THE RIGHT TO HOUSING, DEFENDING THE RIGHTS OF THE LGBTI COMMUNITY, SEX WORKERS, BLACK YOUTH, COMMUNITY LEADERS, COMMUNITY WORKERS IN THE FAVELAS AND STUDENTS

JANE JULIA DE ALMEIDA



On 24 May 2017, ten rural workers were killed in the municipality of Pau d’Arco, in Pará state during a combined operation by the military and civil police. The action took place at the Santa Lúcia ranch, which had once again been occupied by landless people. The families are fighting for the land to be redistributed under the agrarian reform programme. Among the dead was Jane Júlia de Almeida, leader of the camp and the only woman murdered that day. Jane Júlia de Almeida had suggested that the group stay where they were. She believed the police would not come looking

for them in the rain, but she was wrong. According to a witness: “As the group stood under a tarpaulin waiting for the rain to stop the police arrived shooting as they ran and shouting that everyone was going to die. I ran away but she sat there. I do not know if they killed her sitting down, I just remember they were saying: get up to die old bastard, old slut, bitch. Then they smiled and shot her.”

MARINALVA MANOEL



Marinalva Manoel lived in Ñu Verá, a community of 28 Guarani Kaiowá families who are struggling to get the 1,500 acres of land they live and work on recognised as belonging to an indigenous people. Even though the legal process is at an advanced stage they are under a lot of pressure from local ranchers who dispute their claim, and also from developers, who want the land for housing, because it is close to the city. Marinalva was a member of the *Grande Conselho Guarani-Kaiowáda Aty Guassu* of the Guarani Kaiowá. Two weeks before she was killed, Marinalva had gone to Brasília

as part of a delegation of leaders representing indigenous peoples. They had camped out in front of the Supreme Court to protest at a proposal to overturn the decision to grant the land to the Guarani Kaiowá. Marinalva had spoken many times of the recent upsurge in threats from local ranchers, or people employed by them. On the morning of 1 November 2014, Marinalva’s body was found on the side of the road with multiple stab wounds.

VIOLENCE IN URBAN SETTINGS

The violence against and criminalisation of HRDs that occurs in cities particularly affects those working for the right to housing, defending the rights of the LGBTI community, sex workers, black youth, community leaders, community workers in the *favelas* and students. Brazilian cities are experiencing a wave of brutal violence including state violence, particularly by the police; attacks by extremist groups and by militia groups funded by large companies; and indiscriminate violence resulting from inter-gang territorial disputes. In this environment, the murders of women or activists working with the street and prison populations are all lumped together as “urban violence” or are included in the statistics for the “war on drugs”. Many people have also been injured and even killed during forced evictions. In May 2017, for example, during a forced eviction in the Belo Horizonte *favela*, a 14-year-old urban activist was shot in the mouth at a distance of less than 1.5 meters.

In Rio de Janeiro, *favela* activists and slum dwellers who struggle against institutional violence have been systematically intimidated and threatened by military and civil police officers.⁴⁷ Reports of human rights abuses include illegal telephone tapping, targeted kidnappings, breaking into households, sexual harassment, rape and shots being fired at HRDs. Between January and July 2017, 642 people were killed as a result of police operations in Rio de Janeiro. According to Brazilian NGO Justiça Global, by the end of 2017 there had been 1,124 police killings making it the most lethal year ever.⁴⁸ The majority of these deaths were summary executions of black youths in what the police claimed were self-defence shootings. And 2018 shows no sign of getting any better. Eleven days after the killing of Rio councillor and human rights defender, Marielle Franco, at least 8 people were killed in what is alleged to have been a revenge attack by police after an officer was killed.⁴⁹ The impunity surrounding cases of killings by the police fuels the cycle of police violence in Rio de Janeiro. It sends a message that the authorities tolerate illegal behaviour by the police and police officers who are involved in extrajudicial killings know that they will never be held accountable.

WOMEN HUMAN RIGHTS DEFENDERS

In analysing the issues of violence and criminalisation, it is important to consider questions of gender, race, sexual orientation and gender identity in terms of how we identify the various categories of perpetrators and the way in which individual struggles are criminalised. The fact that the vast majority of HRDs killed in Brazil are men is a reflection of the way in which women are marginalised both in society and within the

human rights movement. It is clear that women often experience violence within their families and within their close circle of interaction, which prevents them from continuing their human rights work. There are also reports of difficulties experienced by women’s organisations within social movements as a result of gender-based violence. There are various reasons to explain why it is so difficult for women to occupy these political spaces within social movements, including the gendered division of labour which creates a triple burden for women. They suffer violence both inside and outside the home when they advocate publicly for their rights. Racism and sexual violence against black women makes them even more vulnerable. It is still the case

FRANCISCA’S LIFE WAS TAKEN BECAUSE SHE WAS A HUMAN RIGHTS DEFENDER AND HER BODY WAS VIOLATED TO SHOW THAT SHE, AS A WOMAN AND A BLACK WOMAN, SHOULD NOT DARE TO OCCUPY THAT LEADERSHIP SPACE

that most of these issues are not even addressed in discussions and the literature about the work of HRDs. This invisibility means that most of the attacks on women HRDs are either not recorded or the violence is attributed to other causes, such as domestic violence. The death of WHRD Francisca Chagas da Silva, a Quilombola from the community of Joaquim Maria in Maranhão and a leader of the Union of Workers and Rural Workers of Miranda do Norte, illustrates the specific ways in which women are attacked. Francisca’s body was found in a puddle of mud, naked and showed signs of rape, strangulation, and stabbing. According to the Brazil Human Rights Defenders Committee, “Francisca’s life was taken because she was a human rights defender and her body was violated to show that she, as a woman and a black woman, should not dare to occupy that leadership space.”⁵⁰

LGBTI KILLINGS

Killings of LGBTI people in Brazil are at an all time high. According to reports by Grupo Gay da Bahia,⁵¹ 343 members of the LGBTI community were killed in Brazil in 2016⁵² and a further 445 were killed in 2017.⁵³ According to some reports,⁵⁴ one LGBTI person is killed in Brazil every 28 hours with transgender people suffering higher rates of violence.⁵⁵ There are constant threats on social media networks against LGBTI leaders and events. In 2015, for example, an event called Dezembroada was held in Curitiba with the aim of creating a right wing Nationalist Front with an overtly anti gay agenda.⁵⁶ Events like this show how groups, bent on committing crimes against LGBTI people, are becoming stronger and getting better organised. Since 2005, LGBTI human rights defenders have been suffering threats and persecution in Curitiba. This situation escalated following the delivery of a dossier to police authorities containing serious complaints against skinheads, resulting in a group of neo-Nazis being arrested. The following year, LGBTI defenders Igo Martini and Márcio Marins were physically attacked by three men⁵⁷, because of their involvement in the case.

Right: Marinete da Silva holds a portrait of her daughter, murdered Brazilian HRD, Marielle Franco.



HRDs AND THE LAW

Rather than taking action to uphold human rights and protect HRDs, the state has worked to undermine the existing protection mechanisms, criminalise social protest and smear HRDs. Even the state's official programme for the protection of HRDs (*Programa de Proteção às Defensoras e Defensores de Direitos Humanos*) has been rendered largely ineffective by the absence of political support, the lack of a legal framework and the withholding of financial resources. Established in 2005, the Protection Programme was established in nine Brazilian states: Minas Gerais, Espírito Santo, Rio de Janeiro, Pernambuco, Ceará, Bahia, Rio Grande do Sul, Maranhão and Pará. By June 2017, it continued to exist only in the states of Minas Gerais, Maranhão, Pernambuco and Ceará. Protection policies should and could play an important role in the protection of HRDs, but states need to implement properly thought out and resourced policies that prevent human rights abuses and guarantee rights.

According to the Urgent Action Group of the National Human Rights Council "We live in a situation of systemic and recurrent violence. The impunity for human rights violations ensures the effectiveness of repression and increases the number of people and groups threatened and murdered".⁵⁸ The criminal justice system has intensified its repression of HRDs through the use of legislation such as the Law on Criminal Organisations⁵⁹ and the National Security Law.⁶⁰ New anti-terror legislation⁶¹ is increasingly being used to target social movements such as MST⁶² – the landless workers' movement. In 2016 there were 64 prosecutions of organisations that were campaigning against mega development projects.⁶³ Human rights defenders are regularly slandered, including by politicians, businesspeople and religious leaders, as 'bad' or 'morally corrupt' people who 'deserve' whatever happens to them. This type of discourse, mostly visible in online platforms, increases the space for violent attacks to take place.

WHAT NEEDS TO HAPPEN

The key issue linking all these individual struggles is the fact that the Brazilian government has turned a blind eye to a deepening human rights crisis of its own making. What is apparent today is that Brazil's ongoing political, ethical and financial crisis is being used as an excuse to trample on well-established human rights. The number of killings and attacks on HRDs is an indicator of the lack of political will on the part of the government to live up to its national and international obligations. The so-called 'reforms' introduced by President Temer have had a devastating effect on the protection of human rights in Brazil. The Ministry for Human Rights no longer exists as a separate entity. The Ministry for Women, Racial Equality and Human Rights was subsumed within the Ministry of Justice, under the authority of a Secretary of State, while the National Programme for the Protection of Human Rights Defenders lacks resources to provide adequate protection to HRDs at risk. Yet the primary responsibility for the protection of HRDs still lies with the Brazilian state – a situation that will have to be urgently resolved or the killings will continue unabated.

RECOMMENDATIONS TO THE GOVERNMENT OF BRAZIL

The government of Brazil should:

- ❖ Take immediate action to ensure the full and effective implementation of the National Programme for the Protection of Human Rights Defenders;
- ❖ Create a clear legal framework with adequate financial resources to ensure effective implementation of the Programme;
- ❖ Provide for effective documentation and investigation of attacks on HRDs;
- ❖ Develop a methodology to address the specific risks faced by HRDs defending the rights of indigenous peoples, women and LGBTI people;
- ❖ Coordinate and integrate the activities of all sectors of the justice and public security systems involved in the protection of HRDs;⁶⁴
- ❖ Prioritise specific strategies to overcome the serious structural challenges facing the country's most vulnerable communities;
- ❖ Reverse the policy of undermining public bodies such as FUNAI and INCRA, which have primary responsibility for the protection of indigenous rights and for land reform;
- ❖ Ensure that Funai and INCRA have both the political support and financial resources to carry out their work.

