



Rio de Janeiro e Marabá, 24 de abril de 2024

Dr. Pablo Saavedra Alessandri
Secretário Executivo
Corte Interamericana de Direitos Humanos

Observações adicionais
Sales Pimenta Vs. Brasil

Estimado Dr. Saavedra;

O Centro pela Justiça e o Direito Internacional (CEJIL) e a Comissão Pastoral da Terra (CPT) vêm respeitosamente apresentar uma complementação às observações adicionais enviadas à Corte nesta mesma data relativamente ao cumprimento da sentença do presente caso.

As informações a serem apresentadas se referem aos pontos resolutivos n. 7 e 15 da sentença, que dispõem que:

- 7. O Estado criará um grupo de trabalho nos termos dos parágrafos 145 a 147 desta Sentença.
- 15. O Estado revisará e adequará seus mecanismos existentes, em particular o Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas, nos termos do parágrafo 177 da presente Sentença.

Os parágrafos citados nos pontos resolutivos, por sua vez, dispõem que:

- 145. A Corte advertiu que existe uma situação de impunidade estrutural relacionada com a violência contra as pessoas defensoras de direitos humanos dos trabalhadores rurais, portanto, considera pertinente ordenar ao Estado que crie um grupo de trabalho com a finalidade de identificar as causas e circunstâncias geradoras dessa impunidade e elabore linhas de ação que permitam superá-las.
- 146. O grupo de trabalho será formado por cinco especialistas com capacidade técnica, idoneidade moral e conhecimentos específicos para realizar esse trabalho. Um de seus membros será integrante do Conselho Nacional de Justiça, que exercerá a coordenação do grupo e facilitará o seu funcionamento logístico. Para a seleção dos/as quatro outros integrantes, o Estado e os representantes, respectivamente, no prazo de seis meses, contados a partir da notificação desta Sentença, proporão à Corte uma lista de quatro especialistas independentes, dos quais a Corte selecionará dois integrantes de cada uma das listas. **O grupo de trabalho deverá ser financiado pelo Estado. A fim de cumprir seus objetivos, consultará órgãos públicos, instituições acadêmicas e organizações da sociedade civil que possam oferecer elementos de juízo para elaborar o seu relatório.** O Estado deverá garantir pleno acesso à informação necessária para que o grupo de trabalho possa realizar sua tarefa. As funções do grupo de trabalho terão caráter consultivo, orientador e



complementar às atividades dos organismos estatais, sem prejuízo das funções próprias dos órgãos do Estado.

147. O grupo terá um prazo de dois anos, contados a partir de sua formação, para apresentar um relatório definitivo à Corte. Este relatório será público e deverá ser colocado à disposição dos organismos estatais e da sociedade civil. [...]

177. Em função do exposto, o Estado deverá revisar e adequar seus mecanismos existentes, em particular o Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas, nos âmbitos federal e estadual, para que seja previsto e regulamentado através de uma lei ordinária e tenha em consideração os riscos inerentes à atividade de defesa dos direitos humanos, levando em conta, pelo menos, os seguintes requisitos: **a) A participação paritária de pessoas defensoras de direitos humanos, organizações da sociedade civil e especialistas na elaboração de normas que possam regulamentar o programa de proteção do grupo em questão;** b) Contar com critérios flexíveis de inclusão de beneficiários, que respondam às considerações já realizadas por este Tribunal a respeito do conceito de pessoa defensora de direitos humanos; c) A criação de um modelo de análise de risco que permita determinar adequadamente o risco e as necessidades de proteção de cada defensor ou grupo; d) O desenho de planos de proteção que respondam ao risco particular de cada defensor e defensora e às características de seu trabalho; e) A promoção de uma cultura de legitimação e proteção do trabalho das defensoras e defensores de direitos humanos, e f) A provisão de recursos humanos e financeiros suficientes para responder às necessidades reais de proteção dos defensores de direitos humanos, bem como a devida execução do orçamento atribuído.(grifos nossos)

Nesta complementação, destacamos alguns pronunciamentos da Relatora Especial das Nações Unidas sobre a situação das pessoas defensoras dos direitos humanos, Mary Lawlor, no âmbito de suas observações e recomendações preliminares sobre visita ao Brasil, realizada entre 8 e 19 de abril deste ano¹. O relatório corrobora as observações que apresentamos, sobretudo no que tange aos problemas de financiamento do Grupo de Trabalho Técnico Sales Pimenta.

Nesse sentido, afirma que:

1.4. O Grupo de Trabalho Sales Pimenta

Raramente as políticas que estão sendo desenvolvidas pelo Governo Federal foram levantadas comigo pelos defensores dos direitos humanos. A principal exceção a isso foi o trabalho realizado no âmbito do Ministério dos Direitos Humanos e Cidadania através do Grupo de Trabalho Sales Pimenta. Embora

¹ O relatório pode ser acessado na íntegra em português no seguinte endereço: <https://brasil.un.org/pt-br/266515-relatora-especial-da-onu-observa%C3%A7%C3%B5es-e-recomenda%C3%A7%C3%B5es-preliminares-sobre-visita-ao-brasil#:~:text=Legenda%3A%20A%20Relatora%20Especial%20das.em%20visita%20oficial%20ao%20pa%C3%ADs>, último acesso em 24 de abril de 2024. E na íntegra em inglês no documento em anexo a esta comunicação: **Anexo 1**. UN Special Rapporteur - Preliminary observations and recommendations on visit to Brazil



muitas das outras políticas discutidas visem abordar as causas raiz dos ataques contra àqueles que defendem direitos humanos, o grupo de trabalho está focado especificamente no desenvolvimento de um plano nacional e no projeto de legislação sobre os próprios defensores dos direitos humanos. **O estabelecimento do Grupo de Trabalho é positivo e necessário. No entanto, ouvi repetidamente preocupações de defensores de direitos humanos sobre sua falta de progresso e a falta de investimento por parte do Governo Federal. O GT precisa ter um orçamento adequado para que consiga desenvolver aquilo que foi encarregado de fazer e deve contar com a participação genuína de todos os ministérios relevantes, bem como dos próprios defensores dos direitos humanos que estão em risco. Em suma, precisa ser politicamente priorizado e devidamente financiado.**

A Relatora apresenta ainda recomendações especificamente relacionadas ao funcionamento do Grupo:

4. Recomendações Preliminares

Recomendações urgentes

[...]

Ao Governo Federal: Garantir que haja orçamento suficiente disponível para permitir que o Grupo de Trabalho Sales Pimenta cumpra seu mandato e conclua seu trabalho o mais rápido possível, inclusive ouvindo diretamente as pessoas defensoras de direitos humanos que estão em risco.

[...]

Ao Ministério dos Direitos Humanos e Cidadania: 1) Coordenar com todos os outros ministérios relevantes para garantir um envolvimento significativo e eficaz do Governo Federal com o Grupo de Trabalho Sales pimenta

Cabe mencionar, por fim, que o relatório realiza ainda menções e recomendações relacionadas à necessidade de cumprimento de outros pontos resolutivos da sentença, como àqueles relacionadas ao combate à impunidade, à produção de dados sobre crimes contra pessoas defensoras de direitos humanos e uma recomendação expressamente direcionada ao Conselho Nacional do Ministério Público sobre a necessidade de criação de um Protocolo de Processamento de Crimes contra Defensores, como já determinado por esta Corte.



Diante do exposto, e em complementação à comunicação anterior enviada neste mesmo dia, as representantes vêm respeitosamente solicitar que:

PRIMEIRO: Considere como apresentado este escrito em tempo e forma e incorpore-o aos autos deste processo internacional para efeitos correspondentes;

SEGUNDO: Declare como pendentes de cumprimento os pontos resolutivos n.º 7 e 15 da Sentença do caso;

TERCEIRO: Requeira que o Estado e o Conselho Nacional de Justiça apresentem um plano claro de financiamento das atividades dos dois grupos, que inclua a designação de pessoal técnico especializado e, ainda, verba para a realização de viagens, dentre outras atividades consideradas pelos membros como necessárias para o exercício de suas funções.

Sem mais, aproveitamos a oportunidade para reiterar nossos protestos de elevada estima e distinta consideração.

Atenciosamente,

| | | |
|-------------------------------------|----------------------------------|----------------------------------|
| p/José Batista Afonso CPT | p/Andreia Silverio CPT | p/Gisela De León CEJIL |
| p/Helena Rocha CEJIL | Lucas Arnaud CEJIL | |

ANEXO ÚNICO

United Nations Special Rapporteur on the situation of human rights defenders,

Mary Lawlor

Brasilia, 19 April 2024

1. Introduction

Good morning everyone and thank you for joining this press conference. My name is Mary Lawlor, I am the UN Special Rapporteur on the situation of human rights defenders. My mandate, given to me by the UN Human Rights Council, is to monitor the situation of human rights defenders (HRDs) around the world.

Since 8 April 2024, I have been in Brazil on an official country visit. The aim has been to assess the environment for people protecting and promoting human rights in the country. Today, the national day of indigenous peoples, I am concluding that official visit and will share my preliminary findings. I will be analysing these findings further as I develop my final report, which I will present to the UN Human Rights Council in March 2025.

I want to sincerely thank the Federal Government for inviting me to Brazil, and to all its representatives for welcoming me warmly.

My visit began and ended in the Brasilia. During my days there, I met many authorities at the Federal level. These included the Minister for Human Rights and Citizenship and the Minister for Women, as well as representatives of the ministries of Foreign Affairs, Environment and Climate Change, Indigenous Peoples, Justice and Citizen Protection, Racial Equality and Agrarian Development and Family Farming. I also spoke with the Federal Public Prosecutor's Office, the Federal Public Defender's Office and the National Council of Justice. I would like to thank the Ministry of Foreign Affairs for their work to make these meetings happen.

Following my time in the capital, I travelled to Bahia, Pará, Sao Paulo and Mato Grosso do Sul: four states where human rights defenders are facing particularly serious challenges. I was able to engage with authorities at the state level in Pará and Sao Paulo, and thank them for their time.

I also wish to greatly thank the United Nations Resident Coordinator and the United Nations Country Team, in particular the human rights advisor and her team, as well as UN Women.

Finally, and most emphatically, I want to thank all the human rights defenders who spoke with me, especially those who travelled long distances to do so and those who welcomed me and my team into their communities and spiritual places. Indigenous peoples, quilombola peoples, traditional peoples, women, the black community, the rural and urban working class, you have my full solidarity.

2. Preliminary Findings

Throughout my country visit, I listened to human rights defenders describe their work, their lives and hopes. Where forests are still standing in Brazil, HRDs are the reason for it. Where the soil remains rich and healthy, they are ensuring it is so. Against state violence, they are the ones searching for justice. They have an alternative vision for how Brazil could be: a country of dignity, solidarity and respect for all.

I also heard many harrowing stories of human rights defenders fearing for their lives.

I spoke with an indigenous woman from the Guarani-Kaiowá people, a human rights defender and leader of her community in Mato Grosso do Sul. She told me how her father had been murdered and she herself was shot by people seeking to halt the demarcation of their community's land. She had been forced to leave her home after her bodyguard, a young family member, was shot and dismembered, the video was posted online with the warning that she would be next.

Later, I spoke with a quilombola defender from Mina Gerais denouncing the damage of eucalyptus monocultures. He described how his community's land had been grabbed during the military dictatorship. Common farm land disappeared, he told me, and the parcels community members used to work were made smaller and smaller, forcing people into hunger. Back then, he said, the people who spoke up were killed or disappeared. But the reality is that the risks people faced then are the same he faces today, as he continues the struggle for the rights that his ancestors saw denied to them decades ago.

In Bahia, I met a black woman human rights defender whose son was killed by state police for his work denouncing police violence. Following her son's killing, she took up his struggle, only to find herself under threat. She told me how days after her son was killed, his friend, a fellow human rights defender, was murdered too. Yet she was not afraid. When they kill one of us, she said, another defender arises.

In Pará, a woman human rights defender (WHRD) from the rural workers movement described ten years of living under extreme risk, and the impact of protection measures on her family, of feeling as though she was in prison. Her daughter, she said, ran away from her because she told her she couldn't live in a cage.

There are many more stories; many more defenders whose lives have been taken and others at risk of attack, but even these few examples should leave the Brazilian state and society more broadly in no doubt about the gravity of the situation for human rights defenders in the country. Where people are protecting life, land and nature they are being killed. Where people are seeking dignity, it is being destroyed. Where people are pursuing justice, it is being denied.

The attacks are extremely violent, the risks widespread and pervasive, and those most marginalised and discriminated against face the greatest jeopardy: indigenous and quilombola defenders, defenders from riverine and other traditional communities; rural defenders and working class defenders; black women human rights defenders. Often the risk factors are intersecting and the danger is driven up. In many cases, the perpetrator is the state, and often the police. In others, the attackers are farmers, business people and their private security, and perpetrators with political links are sheltered by the authorities.

This is far from a new situation; it is a historical one. Those standing up to defend their rights in Brazil, to claim them in the face of attempts to deny their very existence, have always done so at great risk. This was true in the fight against slavery and in the struggle to overcome colonialism, where people were organising against the military dictatorship and throughout the 21st century, including under the previous government when the risks for defenders increased drastically.

Nor are the root causes of the attacks against defenders new. They stretch back to the colonial period and all its brutality, to the legacy and structures of racism it left, and to the drive to open up the Amazon and other rural areas to capital during and since the military dictatorship – a process continuing today. They are inseparable from the failure of the state to guarantee the rights of indigenous, quilombola and other traditional peoples, as well as the rights of women and black people.

Yet while it's crucial to remember these historical facts and the long-standing nature of the attacks against defenders in Brazil, it is the State as it stands today that bears the obligation to address them. They must ensure that everyone in the country can seek the realisation of human rights without fear of retaliation.

Things must improve. Coming away from my visit, despite the terrible stories I heard, I have a sense of hope that things can. But for that to happen, more will have to be done. The Government will have to show that the protection of human rights defenders and the tackling of the root causes of their insecurity is the priority they have repeatedly assured me it is.

3. Positive Findings

3.1. The strength of human rights defenders in the country

During my visit, I spoke with human rights defenders from rural and remote communities, with members of grassroots movements, human rights organisations, popular and indigenous lawyers, popular communicators and victims of police violence, LGBTQI+ defenders, social and cultural activists, as well as many others. Many have themselves been victims of human rights violations, or are members of communities under siege. Others are supporting those facing discrimination and disenfranchisement.

In all of the places I visited, I was struck by the levels of resilience and solidarity of those who shared their stories with me. In the face of extreme violence, inequality and abandonment by those whose duty it is to represent them, their determination and hope is incredible. Brazil is a country that faces many challenges. If they are to be met, and if social justice, human rights and combating climate change are to be achieved, it is these defenders who will make the difference. They should be recognised, celebrated and protected, both as individuals and as a collective.

3.2. Understanding and willingness of the Federal Government

From my meetings in Brasilia, I believe there is a recognition among the Federal Government of human rights defenders and their work, and an understanding of the risks they face. I felt this particularly in my meetings with Ministers Silvio Almeida and Cida Gonçalves, but also after speaking with representatives from other Government departments. There is an appreciation of the importance of human rights defenders for the realisation of what the State says its mission is: equality and dignity for all.

Saying this, I have to bear in mind that there are many Ministers I did not have the opportunity to speak with, and I realise that the current Government encompasses a wide range of political positions and interests. Those engaged with the issue of defenders, and willing to lead on it, must bring other Ministries who may be less aware of the situation of defenders along with them. They should be empowered by President Lula to the fullest extent possible to do so.

The full recognition of the challenges faced by human rights defenders encompasses the recognition of the need to support them and address the issues putting them at risk. Minister Almeida outlined the approach of his Ministry in the face of this: to build policies, tools and laws to tackle root causes of insecurity for defenders, social injustice in its many forms; and, in parallel, to improve the protection of human rights defenders.

This approach should be applied not only at the federal level, but also by the states. All authorities, despite their diverse political positions and interests, must commit to building capacity and understanding around the situation of defenders and their protection needs, and to developing effective mechanisms to address them. Federalism should allow for context specific mechanisms, with the supervision and guidance of the federal authorities, rather than inconsistencies and a lack of dialogue.

3.3. Policies, plans and action

I would hear the approach of Minister Almeida echoed across my meetings with the Federal Government. When I asked what this was translating into in practice, I was told of an array of plans being put in place or which have already been approved by the President.

The Ministry of Racial Equality told me of a policy agreed in November 2023 which they said would provide the base to see the rights of quilombola communities protected and fulfilled. They also told me of collective protection pilots, for whole communities at risk, that they are developing,

The Ministry of Women told me about a new policy being developed for women in the country and the difference this would make, as well as their hope for legislation to protect WHRDs.

The Ministry of Environment told me they wanted to develop policies that could put an end to threats against environmental and land rights defenders from indigenous, quilombola and traditional communities, and outlined their plans to address deforestation – a key cause of risk for defenders and which defenders must be part of the solution to.

I was told of a working group established to examine the issue of business and human rights, the new observatory on attacks against journalists, and the national commission on combating violence in the countryside.

These are only some of the examples that were shared. There are others. I am going to be looking at these policies more closely between now and the presentation of my final report, however, the creation of multiple spaces for exchange, consultation and drafting protocols can be counter-productive if the discussions fail to reach those directly affected. What will make the difference for HRDs is the implementation. This is what I will be following closely.

3.4. The Sales Pimenta Working Group

Only very rarely were the policies being developed by the Federal Government raised with me by human rights defenders. The key exception to this was the work being undertaken under the Ministry of Human Rights and Citizenship through the Sales Pimenta Working Group. While many of the other policies discussed are aimed at addressing the root causes of attacks against HRDs, the working group is focused specifically on developing a national plan and draft legislation on human rights defenders themselves.

The establishment of the Working Group is positive and needed. Yet I repeatedly heard concerns from human rights defenders about its lack of progress and the level of investment in it by the Federal Government. It needs to have an appropriate budget for what it is tasked to do, and must count on genuine participation from all relevant ministries, as well as at-risk human rights defenders themselves. In short, it needs to be politically prioritised and properly funded.

3.5. Participation

The Sales Pimenta Working Group, while operating imperfectly, is an example of an important step taken by the Government since the transition from the previous administration: the re-opening of the door to human rights defenders and civil society in the design of policy that affects them. The re-institutionalization of councils is another good example. The efforts of the Federal Government in this should be applauded, and I encourage the authorities to not abandon this approach as their term goes on. Rather, they need to solidify and expand participation, providing adequate resources and ensuring the voices of those most marginalised, at-risk and overlooked are included. Many of the defenders I spoke with, in particular in rural areas, asked me to bring their messages to the attention of the Government, their “messages of resistance”, as they called them. They should not have to ask me to do so. The Government should go looking for these messages. And when they find them, they should listen.

4. Matters of Concern

Coming away from my visit, I'm mindful of the work the Federal Government is doing, and the measures they are trying to take to improve the human rights situation in Brazil, but it is not what will stay with me. What remains most clearly in my mind are the levels of risk that defenders are exposed to, and the extreme violence they face.

4.1. The gravity of attacks and the level of risk

Human rights defenders challenge structures of power that impose and reinforce injustice. This is perceived as a threat by those who would stand to see their privilege diminished by defenders' gains. And where this is combined with weak rule of law, the absence of the state and corruption, defenders come under severe risk. These factors are present and combining in Brazil.

The examples I opened my statement with demonstrate the brutality of attacks against defenders in Brazil, but they are only a tiny segment of such cases. Again and again during my visit I heard from defenders who had survived assassination attempts, who had been shot, their houses surrounded, death threats delivered to their door. Others told me how they had been criminalised. Often they spoke of their own cases only briefly, or after I asked them to focus on them, as they instead told me of the fatal attacks suffered by relatives, friends and comrades, who had been killed for their struggle for rights. In many of my meetings with defenders, they recalled killings from years past, even those from decades ago. They see the link between these attacks, which are happening today, are happening year on year, and have been happening throughout the history of Brazil.

I am extremely thankful to all the defenders who spoke with me. I know that in many cases it was not easy, that people ran risks to travel to meetings, that they had to leave their families behind to do so, despite the risks that extend to them. There is a major psychological impact that comes from living under such pressure and threat. Some people spoke on behalf of others who couldn't come themselves because the risks for them to travel and speak with me directly were too great. This was particularly the case with indigenous human rights defenders. I heard repeatedly about members of indigenous communities who could not leave their territories for fear they would be killed.

4.2. The failings of the protection mechanism

A protection programme to address situations of risk for HRDs has been in place in Brazil for some time, however, it would appear to be unfit for purpose and in need of radical reform. One indigenous lawyer and human rights defender explained it to me like this: *I was incorporated into the programme three years ago, but it took three years for them to make contact with me.* A female indigenous leader, said the following: *I'm under the protection mechanism but I don't understand it.* Mãe Bernadete, the quilomba leader from the Pitanga dos Palmares quilombola community, was killed in her home on 17 August 2023 despite being included in the protection mechanism. Others have been attacked despite in theory being under protection.

The protection mechanism, established not by legislation but Presidential Decree, cannot currently provide the support human rights defenders need and are asking for. It lacks funding and is being implemented by civil society partners, rather than the State, who bare the duty to protect HRDs at risk. It is heavily reliant on protection measures from police forces at the local level, who in many cases are the source of defenders' insecurity in the first place. There is zero or inadequate mental health support. There is also a great disparity in the level of protection offered between states and too much emphasis on relocation of defenders outside their communities. The mechanism is essential, but it needs to be revamped.

4.3. Endemic impunity

One of the striking elements common to many of the cases raised with me is that defenders, the communities they come from, and in many cases society more broadly, know who the perpetrators of the attacks are. Yet the large majority of cases remain in impunity. There are some exceptions to this: the process opened against the alleged killers of the Mãe Bernadete in Bahia; the arrest of the supposed intellectual authors in the killing of state counsellor Marielle Franco. Such cases, however, are few and far between. Police failings, unwillingness or collusion with perpetrators mean that many cases never pass the investigation stage. Where cases are prosecuted, there are again obstacles and powerful interests which weigh in. When cases reach the courts, they may take years before a conclusion is reached.

More than one defender described it like this: Brazil is the country of impunity. Yet every life is important. Every killing must be investigated. Every family and community deserve justice and accountability. If this is not ensured, the attacks against defenders are only going to continue. This is at the heart of the judgement by the Inter-American Court in the Sales Pimenta case. It has to be at the heart of the Government's strategy to protect human rights defenders. Impunity can be tackled, and it cannot be accepted. I am making several recommendations today that speak to this, and will be following up with the Government on specific cases of impunity that need urgent attention.

4.4. Groups at high risk

Indigenous, defenders, quilombola defenders and defenders from other traditional communities

Many of the defenders most at risk in Brazil are indigenous and quilombola people and members of other traditional communities. I was fortunate enough to speak with many of them during my time in Brazil, and to visit both quilombola and indigenous territories. Although the issues defenders from these peoples face are not identical, there are many similarities. The historical discrimination and dispossession they have suffered in Brazil continues today, and for their struggle against it they are being killed. The leaders of the communities, young and old, are being targeted. I spoke with an indigenous Pataxó woman, a leader in her community, whose son had been killed two years previously and which has rested in impunity.

Land is at the heart of the struggle of traditional peoples in Brazil. Land, as they told me, is the key to their survival. And there are those who would seek to wipe them out in the name of profit and personal gain. The *marco temporal* thesis is an annunciation of that, as is the killing of quilombola leaders and the imposition of mines and monocultures on the land used by traditional communities, the poisoning of rivers of riverine community, the forced displacement of communities already displaced historically.

Land is also the key to the protection of these defenders. When I asked them what they thought would protect them they were clear: removal of invaders and demarcation now; accountability for environmental crimes. This for them is what collective protection, which is what is needed, means. There must be demarcation and titling. There can be no more delay. The Federal Government argues this is what it is working towards. I believe this to be true. But it needs to move more quickly, more widely and more directly with the people affected. Defenders see that there is only real action after someone is killed. Over and over they asked me, how many more of our people will have to die before our rights are guaranteed? The will of the Federal Government to uphold the rights of traditional peoples is a threat to economic and political interests in the country. In response, the perpetrators are stepping up their attacks, as seen with the despicable 'zero invasion movement'. To counter this, the Federal Government must make land rights an absolute priority, and work with authorities at the state level to see them guaranteed.

There are examples of land that has been demarcated or titled, and invaders being removed, but not enough is being done. Where there is no accountability for environmental crimes, invaders will simply return or move to other areas. This already appears to be happening. I urge the Supreme Court to rule swiftly on Federal Law 14.701, a major obstacle to the demarcation of indigenous lands. Without just agrarian reform and the resolution of land disputes, human rights defenders will be threatened, attacked and killed one after the other.

Women human rights defenders

Indigenous women, quilombola women and rural women workers are leading the movements to see rights respected in their communities. They told me how they followed in the footsteps of their mothers, their grandmothers and their great grandmothers. The risks they run in doing so are immense. Their families and children are being targeted. They are being sexually harassed and abused. I am extremely concerned about their situation in Brazil.

Black women human rights defenders in urban areas are also at extremely high risk. While at first their struggles may appear distinct from women human rights defenders in rural areas, there are many similarities. Not only in the courage they show, but in the kind of attacks directed against them and the root causes of abuse of state power, corruption and the defence of powerful economic interests. Many of these women are relatives of people who have been victims of state violence. Some have seen their children killed. They are being attacked for seeking accountability and reparations. This is completely unacceptable. The Federal Government cannot remain silent in the face of such attacks.

Journalists and social and cultural activists

Journalists, popular communicators and social and cultural activists reporting on human rights issues and working with the most vulnerable in society told me of threats, intimidation and criminalisation they are facing. These are coming at the local level. I am concerned about these cases, and will be looking into them further as I prepare my final report. Reporting on human rights issues is of vital public interest and must be supported. Providing social assistance to people in need should never be criminalised.

4.5. The role of companies and markets

Across almost all of my meetings, and universally in those with traditional and indigenous peoples, human rights defenders drew my attention to the role of business and markets as drivers of the conflicts putting them at risk. I heard how the entry of soy into Pará had altered the state's social dynamics and use of land. Soy monocultures are used to produce animal feed for raising livestock. Cattle are of course being raised in Brazil, where the issue of deforestation and the usurpation of indigenous and quilombola land to raise livestock are interlinked, but this soy is also being exported for foreign markets, including Europe. Some people would call this welcome investment, others development, but the reality is that these are representations of extractive, neo-colonial practices, of predatory, capitalist economics that offer little or nothing to local people and rip through the social fabric of the communities affected. I'm taking the example of soy, but it could be wood and the logging industry, it could be gold or bauxite and mining, it could be eucalyptus or maize. Human rights defenders are not anti-development, but there can be no sustainable development without respect for human rights and the environment. Rights respecting conduct by companies will not become the norm without effective regulation by Government, including for the respect of ILO 169. As such, I am strongly calling for this from the Federal Government and state Governments.

5. Conclusions

I believe that though the Federal Government means well regarding the inclusion and protection of human rights defenders, but today it remains just an aspirational vision.

Human rights defenders are under extreme threat in Brazil. The Federal Government knows this, but has so far failed to put the structures in place to properly protect them and tackle the root causes of the risks they face. There are obstacles to the implementation of what they are trying to do. These will only be overcome if the issue becomes an absolute priority. The Federal Government needs to match the courage of human rights defenders in the country, of indigenous defenders, quilombola defenders, women human rights defenders and others. They need to breathe force through the solidarity they are trying to show, and to do it now.

I call on President Lula and all levels of government to fight the forces that are so determined to protect their corrupt and capitalist interests, where greed, self-enrichment and power are the guiding principles.

6. Preliminary Recommendations

Urgent recommendations

- **To the Federal Government, in particular the Ministry of Indigenous Peoples, the Ministry of Justice and Public Security, the Ministry Environment and Climate Change, the Ministry of Agrarian Development and Family Farming, FUNAI and INCRA:** Consider all possibilities to urgently guarantee rights over their territory for all indigenous and quilombola peoples in the country, in particular through demarcation and titling, and the removal of invaders
- **To the Federal Government:** Ensure sufficient budget is available to enable the Sales Pimenta Working Group to fulfil its mandate and complete its work as soon as possible, including by hearing directly from human rights defenders at risk

- **To the Brazilian Congress:** Prioritise, without any further delay, the ratification of the Escazú Agreement.

Further preliminary recommendations

- **To President Lula**

- 1) Publicly declare the protection of human rights defenders and an end to impunity for crimes against them as a priority for the Federal Government, and call for cooperation from all state authorities to ensure their protection

- 2) Further strengthen state bodies for the protection of human rights, the environment and combating climate change, including through increased funding

- **To the Supreme Court**

- 1) Prioritise the resolution of the respective petitions concerning Federal Law 14.701

- **To the Ministry of Human Rights and Citizenship**

- 1) Coordinate with all other relevant ministries to ensure meaningful, effective engagement by the Federal Government with the Sales Pimenta Working Group

- 2) Bring implementation of the protection programme for HRDs into the hands of the Federal Government, in cooperation with authorities at the state-level, in line with ICCPR article 6, General Comment No. 36 of the Human Rights Committee, and the UN Declaration on HRDs

- 3) Design and implement a national system for the collection of disaggregated data on attacks against human rights defenders, in line with the judgement of the Inter-American Court of Human Rights in the Sales Pimenta case

- 4) In collaboration with the Ministry of Environment and Climate Change, develop a draft law to ensure full respect for human rights, the environment and climate by Brazilian companies and those active in the national territory, with a particular focus on high risk sectors including mining, agribusiness, logging, tourism and energy production, in line with the updated OECD Guidelines on Responsible Business Conduct and the UN Guiding Principles on Business and Human Rights

- **To the Ministry of Justice and Public Security**

- 1) In close collaboration with the Ministry of Indigenous Peoples and relevant agencies, prioritise with utmost urgency the demarcation of indigenous land

- 2) In consultation with human rights defenders and civil society, issue protocols on 1) mandatory training on human rights defenders for police; and 2) on the investigation of alleged crimes against human rights defenders by police, ensuring that retaliation for their human rights activism is considered as a possible motive for crimes against them

- 3) Consider the development of specific legislation on the use of force by police, in line with Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials

- **To the Ministry of Agrarian Development and Family Farming**

- 1) In close collaboration with the Ministry of Racial Equality and relevant agencies, prioritise with utmost urgency the titling of quilombola land

- **To the Ministry of Environment and Climate Change**
 - 1) Work with the Public Prosecutor's Office for the development of a protocol for the effective prosecution of environmental crimes and consider the expansion of the list of protected trees in the country as an urgent measure to tackle deforestation
 - 2) Develop programmes to incentivise the protection of forests and the prevention of deforestation at the state and municipal level
- **To the Ministry of Women**
 - 1) Make the ending of attacks against women human rights defenders and their family members, especially indigenous, quilombola and other traditional women, black women and rural women workers, an absolute priority, including through a mapping of violence against women human rights defenders and a protocol on security for WHRDs in indigenous, quilombola and traditional peoples' territories
- **To the Ministry of Indigenous Peoples**
 - 1) Ensure full respect for ILO Convention 169 for both state and private sector projects, respecting the desired approach and traditions of affected communities and paying particular attention to the following industries: mining, logging, agribusiness (notably soya, maize and eucalyptus plantations, and cattle farming), carbon credits, infrastructure development and energy production
 - 2) Acknowledge and support proactive measures being taken by indigenous peoples to realize their rights, including their right to self-determination. This includes respecting and observing consultation and consent protocols developed by indigenous peoples
- **To the Ministry of Racial Equality**
 - 1) Acknowledge and support the proactive measures being taken by quilombola, riverine and other traditional peoples to realize their rights, including their right to self-determination. This includes respecting and observing consultation and consent protocols developed by indigenous peoples in the context of activities affecting their lands, in line with ILO Convention 169
- **To the Government and relevant organs of the State of Bahia, the State of Pará and Matto Grosso do Sul**
 - 1) Prioritise, as a matter of urgency, investigations into killings and threats against human rights defenders, ensuring that perpetrators are brought to justice and that all human rights defenders at risk are offered effective, appropriate protection
 - 2) Facilitate to the maximum possible extent the demarcation and titling of indigenous, quilombola and other traditional peoples' land, including by reviewing the legality of all existing concessions given to companies which affect such land, including their conformity with ILO Convention 169
- **To the Government and relevant organs of the State of Sao Paulo**
 - 1) Enter into an agreement with the Federal Government to establish a protection programme for human rights defenders in the state
 - 2) Introduce the mandatory use of body cameras by all police forces operating in the state to ensure accountability for state violence
 - 3) Refrain from the criminalisation of HRDs – including not only the opening of criminal investigations and judicial proceedings, but the conflation of HRDs with criminals in public

discourse - in particular those who are part of social movements and supporting the most vulnerable in society

4) Legislate to introduce an effective, prompt and transparent process of reparations, including psychological support, for relatives and loved ones of victims of police violence

5) Guarantee the independence of forensic investigations in all cases

- **To the National Council of Justice**

1) Develop a binding protocol for the judicial handling of cases involving alleged crimes against human rights defenders, including the creation of a mechanism for accelerated procedures

- **To the National Council of the Public Prosecution Services (Conselho Nacional do Ministério Público):**

1) Develop a binding protocol for the prosecution of cases involving alleged crimes against human rights defenders, ensuring that retaliation of their human rights activism is considered as a possible motive for the crime and providing clear guidance on the federalisation of cases, in line with the judgement of the Inter-American Court in the Sales Pimenta case

- **To the Office of the Public Defender (Defensoria Pública da União)**

1) Continue to pay particular attention to the situation of human rights defenders at risk, in particular the issue of impunity for crimes against them, and consider the creation of a dedicated working group on the situation of human rights defenders

- **To all companies active in Brazil seeking to carry out their business with respect for human rights, the environment and climate:**

1) Operate in full conformity with international and regional human rights law and standards, including ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples, the UN Declaration of Human Rights Defenders and the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas

2) Support the prompt ratification of the Escazú Agreement by Brazil

3) Support the development of national legislation on human rights and environmental due diligence for companies, in line with the OECD Guidelines on Responsible Business Conduct and the UN Guiding Principles on Business and Human Rights