

21. Fev. 2017 11:59

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Nº. 5951 P. 1



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URGENT

Nº. 58 /2017

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights — Special Procedures Branch — and, with reference to verbal note AI. BRA 6/2016, dated September 19th 2016, has the honor to submit (see attached) a reply to a joint communication sent by the Special Rapporteurs on the situation of human rights defenders, on extrajudicial, summary and arbitrary executions, on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and association, on the rights of indigenous persons, and on violence against women, its causes and consequences.



Geneva, February 21st, 2017

To the Office of the High Commissioner for Human Rights

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FEDERATIVE REPUBLIC OF BRAZIL

**RESPONSE TO THE JOINT COMMUNICATION AJ. BRA 6/2016,
SEPTEMBER 19TH 2016**

The Brazilian government presents its compliments to the Special Rapporteurs on the situation of human rights defenders, Mr. Michel Forst, on extrajudicial, summary and arbitrary executions, Ms. Agnes Callamard, on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye, on the rights to freedom of peaceful assembly and association, Mr. Maina Kiai, on the rights of indigenous persons, Ms. Victoria Tauli Corpuz, and on violence against women, its causes and consequences, Ms. Dubravka Simonovic and, with reference to the joint communication AJ. BRA 6/2016, dated 19 September 2016, would like to provide the following clarifications.

ON THE NATIONAL PROGRAM FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS

2. The National Policy for the Protection of Human Rights Defenders (PNPDDH), established by Decree 6.044/2007, and the National Program for the Protection of Human Rights Defenders (PPDDH), pursuant to Decree 8.724/2016, aim at protecting any person against threats arising from their activities in defense or for the promotion and protection of human rights. The PPDDH sets a framework for coordinating activities among different bodies and branches of power, at the national and local levels, to protect human rights defenders, to address the root causes that place human rights defenders at risk and to hold to account those responsible for violations or abuses against them.

3. The coordination of the PPDDH is under the primary responsibility of the Special Secretariat for Human Rights (SEDDH) of the Ministry of Justice and Citizenship. Special arrangements were set up between the SEDDH and the governments of seven member states of the federation - they are the States of Minas Gerais, Espírito Santo, Ceará, Pernambuco, Bahia, Rio Grande do Sul and Rio de Janeiro. The situation of human rights defenders in the rest of the country, who present or on whose behalf a request is presented for their protection, have their allegations received and analyzed by the federal team of PPDDH, under the auspices of the SEDH.

4. Currently, 402 human rights defenders are protected by the PPDDH. Around 500 other cases are also under analysis. Human rights defenders who stand up for the equitable access to land and other natural resources or who fight against their illicit exploitation are among those more frequently exposed to risks and threats arising from their activities. Based on the data collected by the PPDDH, 116 human rights defenders under protection work on the right to land, 113 are involved in activities related to the rights of indigenous peoples, 61 stand up for the protection of the rights of members of Afro-rural communities (also known in Brazil as "quilombos") and 37 act on environmental issues.

5. The PPDDH is based on the premise that the Brazilian state bears a positive obligation to protect human rights defenders. The allegations contained in joint communication AI. BRA 6/2016 were duly reported to the SEDH and to the national coordination of the PPDDH, where they have ignited requests and inquiries in different bodies and branches of power, at the federal and state level, to cover the whole range of cases brought to the attention of government.

6. In view of the number and complexity of the allegations contained in the joint communication, the present response will cover only a limited number of them. Efforts are underway to clarify other elements not yet addressed.

MR. ANTÔNIO DE MIRANDA

7. The PPDDH received information about the situation of Mr. Antonio de Miranda, for the first time, on April 6th 2015. Based on a preliminary assessment conducted by the federal coordination of the PPDDH, it requested further information from the Office of the National Agrarian Ombudsman, the Office of the Federal Public Prosecutor, the National Institute for Colonization and Agrarian Reform and, in the State of Parana, the Secretariat for Public Security and the General Command of the Military Police.

8. Based on the information received, the PPDDH asked the General Command of the Military Police in the State of Parana to implement protective measures on behalf of Mr. Miranda, including his ostensive protection by police officers and the realization of police patrols in his vicinity, combined with undertaking a risk assessment and investigating threats faced by him.

9. The PPDDH also requested the Office of the National Agrarian Ombudsman to provide updates on any measures aiming to adjudicate, on behalf of the community of which Mr. Miranda is a leader, the title of the land they claim to be theirs. Further to that, PPDDH offered its support for Mr. Miranda to hold meetings with the National Commission against Violence in Rural Areas, in order to raise visibility and to prevent the situation from deteriorating.

10. The PPDDH scheduled an appointment with Mr. Antonio de Miranda on August 13th, 2015, while he was expected to visit Brasilia. However, one day before, Mr. Miranda had to cancel his visit. He also declined the offer of a new appointment, also to take place in Brasilia. Though it has not been possible for the PPDDH to consult with Mr. Antonio de Miranda in person, his case is being monitored by the PPDDH and the governmental bodies in charge of implementing protective measures and of addressing the root causes of the threats.

MR. CLODILDO DE SOUZA
GUARANI-KAIOWÁ INDIGENOUS PEOPLE

11. Some leaders of the Guarani-Kayowa indigenous people living in the State of Mato Grosso do Sul are being protected by the PPDDH, which monitors their situation and coordinates the activities of several bodies, both at the national and local levels, in charge of ensuring access to justice and providing security and protection to the members of those indigenous communities and their leaders. That notwithstanding, the PPDDH had not received any specific requests related to the situation of Mr. Clodildo

de Souza, a Guaraní-Kayowa leader, prior to his death, which prevented the adoption of specific measures aiming at his protection.

MR. GENÉSIO GUAJAJARA AND MR. ISAÍAS GUAJAJARA
GUAJAJARA INDIGENOUS PEOPLE

12. The PPDDH learned about the deaths of Mr. Genésio Guajajara and Mr. Isaias Guajajara while monitoring the case of another leader from the Guajajara people. [REDACTED] lives in the Ararióia indigenous land, located in the State of Maranhão. No information had been provided to the PPDDH about the cases of Mr. Genésio Guajajara and Mr. Isaias Guajajara to that date.

MS. NILCE DE SOUZA MAGALHÃES

10. The situation of Ms. Nilce de Souza Magalhães, leader of the Movement of People Affected by Dams, had not been submitted to the PPDDH prior to her disappearance either.

The Brazilian government wishes to reiterate that it is actively engaged to obtain and will convey to the Special Rapporteurs additional information on the situation of individuals mentioned in the joint communication AI. BRA 6/2016, including on the judicial proceedings to bring perpetrators to justice.

Geneva, February 21st, 2016