



**Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva**

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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 has the honor to present herewith attached comments with regard to communication UA BRA 6/2019.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, August 16th, 2019

Office of the High Commissioner of Human Rights
Special Procedures Branch

OHCHR REGISTRY

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Recipients:
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UA BRA 6/2019

The Program for the Protection of Human Rights Defenders, Media Workers and Environmentalists (PPDDH) monitors and coordinates actions and measures for the protection, prevention and resolution of conflicts, pursuant to Decrees No. 6044 / 2007 and 8724 / 2016 and Ministerial Ordinance 300 of 3 September 2018). It bears highlighting that the objectives and activities of the Program are based exclusively on institutional coordination aimed at strengthening the fight for human rights and the commitment of state actors to ceasing or minimizing risks within their areas of actions. The responsibilities of the Program are outlined by the principles of protection and assistance of the National Policy of Protection of Human Rights Defenders (PNPDDH, approved by Decree No. 6044 of February 12, 2007).

Ensuring the visibility of the activities of the protected individual is one of the guidelines of the PPDDH. This is carried out through the action of a network that involves the shared responsibility of civil society and the State in the promotion and protection of human rights in the country.

The PPDDH coordinating role not only focus on the security and the physical integrity of the protected individual, but also on the analysis and qualified discussion of each particular case. It aims at the elaboration of institutional strategies to achieve the implementation of positive measures to address the causes underlying the risk/vulnerability status of the human rights defender.

Since the submission of a request for protection and regardless of the field of action of the defender, all actions carried out by the Program in the follow-up of cases nationwide intend to promote safety and to highlight the protection of human rights, as well as to have a positive impact in the social context surrounding the case.

With that, effectiveness is given to Art. 4, I, of Decree No. 6044/2007, which sets out the general guidelines of the National Policy for the Protection of Human Rights Defenders and provides for the "strengthening of the federative pact by joint and articulated actions of all governmental levels to the protection of human rights defenders in the context of activities that generate risk or vulnerability".

With regard to the specific case of Rosilvado Ferreira da Silva, known as “Cacique Babau”, we inform that he is currently under the protection of the State of Bahia Program for the Protection of Human Rights Defenders.

Created by the State Decree 12003, on March 10th 2010, the Commission of the Program for the Protection of Human Rights Defenders of the State of Bahia aims at adopting measures for the protection of persons and entities facing threats due to their work for the promotion and protection of human rights.

The competences of the Commission are as follows: i. to receive claims of violation of the rights of the human rights defender; ii. to assess the admissibility of the claim; iii. to follow assessment and deliberation by the members of the Commission, include the human rights defender under threat in the protection Program; iv. to justify the inclusion of the human rights defender under threat in the Program, as well as to define and establish the necessary protection measures as appropriate to each situation; v. during the screening period, to ensure that immediate police protection is provided to the human rights defender, in a provisional, precautionary and investigative manner.

The members of the Commission are representatives from the Secretariat of Justice, Human Rights and Social Development of the State of Bahia; the Secretariat of Public Security of the State of Bahia; and the executive entity of the Program. The Commission is open to the ad-hoc participation of representatives of the State Prosecutors’s Office, the State Court of Bahia, the Brazilian Bar Association – Bahia Section and the State Public Lawyers’ Office.

The application to join the program is sent to the Commission by the human rights defender concerned; by a police chief, a prosecutor or a judge, when any of them is aware of the facts; by representatives of public or private entities whose activities are related to human rights. Applications for joining the program must include: i. detailed written report of the threats received, accompanied with evidence to the extent possible; and ii. Term of Commitment, duly filled and signed by the human rights defender concerned, or by a family member and dependents, in case they also intend to join the Program.

In order to authorize the inclusion of a human rights defender, the Commission should consider the following aspects: i. serious risk to life or the physical integrity of the person to be included; ii. difficulty in preventing or responding to the facts or situations by conventional means; iii. relevance of the activities carried out by the human rights defender in local, state and/or national contexts; iv. compatibility of the personality and/or conduct of the person to

be included, regarding the restrictions on behavior required by the program; and v. availability of human, technical and/or operational resources for an effective protection to the person concerned.

The Commission is responsible for coordinating with competent bodies and with the entity responsible for the execution of the Program the following protection measures, among others (which can be implemented separately or cumulatively to the benefit of the human rights defender concerned): police protection; safe and adequate transportation for the continuity of the activities; adoption of measures aimed at overcoming the causes that led the human rights defender to be included in the PPDDH; preserving the confidentiality of identity, image and personal data; psychological and legal support and social assistance.

