



***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/10/2019**.

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, September 6<sup>th</sup>, 2019

Office of the High Commissioner of Human Rights  
Special Procedures Branch

## **UA BRA 10/2019**

### **A. Federal Police**

Upon learning of the United Nations communication, the Federal Police informed that all investigative measures related to the case were taken. The Federal Police has already initiated the investigation and the police inquiry regarding possible threats to journalist Glenn Greenwald and his partner David Miranda. Brazilian law enforcement authorities are proceeding data collection and technology surveys in order to identify the suspects and verify the reported crimes.

The content of the investigation, according to article 20 of the Brazilian Code of Criminal Procedure, is strictly confidential and cannot be informed before the conclusion of the investigations that are underway at the Federal Police of the Federal District in Brasilia.

### **B. Protection of Mr. David Miranda**

Regarding the security measures offered to Federal Deputy (House Representative) David Miranda, the Legislative Police Department of the Chamber of Deputies reported that, by determination of the President of the Chamber of Deputies, it is providing security to the member of Parliament - pursuant to Resolution no. 18/2003 of the Presidency of the Chamber of Deputies.

This resolution regulates the operation of the Legislative Police Department, among other issues. According to its art 3, the Legislative Police is responsible for:

- a) The security of the President of the Chamber of Deputies, anywhere in the national territory and abroad;
- b) The security of Federal Deputies, public servants and authorities in the premises under the responsibility of the House of Representatives;
- c) The security of Federal Deputies (House Representatives), public servants and any persons who may be in the service of the Chamber of Deputies, in any locality of the national territory and abroad, when determined by the President of the Chamber of Deputies;
- d) Policing on the premises of the Chamber of Deputies;
- e) Support for the Chamber of Deputies Monitoring Body ("Corregedoria");
- f) Search and apprehension;
- g) Registration and administration inherent to police activities;
- h) Investigation and launch inquiries.

### **C. Protection Program for Human Rights Defenders, Communicators and Environmentalists**

The Brazilian state also has, at the federal level, the Program for Protection of Human Rights Defenders, Media Workers and Environmentalists (PPDDH), coordinated by the Ministry of Women, Family and Human Rights.

In 2007, the Brazilian federal government approved the National Policy for the Protection of Human Rights Defenders (PNPDDH - Decree No. 6,044, published on February 12), which aims at establishing the principles and guidelines for the protection and assistance to individuals, groups, institutions, organizations or social movements that promote, protect and defend human rights, that face risk or vulnerability related to their activities.

According to the national policy, any attempt against an individual or an institutional activity of a human rights defender or an organization or social movement, even indirectly, is considered a felony/crime, also regarding family members or other individuals close to the human right defender. This actions may qualify as attempted or consummated homicide, torture, physical assault, threat, intimidation, defamation, unlawful or arbitrary arrest, false accusation, political, economic or cultural attacks or retaliation, as well as based on ethnicity, gender, sexual orientation, color, age or other forms of discrimination, disqualification and criminalization of the activity of a human rights defender, which offend his/her physical, mental or moral integrity, honor or heritage.

The PNPDDH has the following specific guidelines to protect human rights defenders:

- a) Implementation of preventive measures in public policies, in an integrated and intersectoral manner, in the areas of health, education, work, security, justice, social assistance, communication, culture, among others;
- b) Supporting and carrying out socio-educational and awareness campaigns at the international, national, regional and local levels aiming at valuing the image and the activity of human rights defenders;
- c) Monitoring and evaluation of campaigns with the participation of civil society;
- d) Support for social mobilization and strengthening of civil society; and
- e) Strengthening existing projects and fostering the creation of new projects.

The specific guidelines for protecting human rights defenders with regard to the accountability of perpetrators of threats or intimidation include:

- a) Cooperation between law enforcement agencies;
- b) National legal cooperation;
- c) Confidentiality of judicial and administrative proceedings; and
- d) Integration with policies and actions regarding repression and accountability.

The following are specific guidelines for attention to human rights defenders at risk or vulnerability:

- a. life protection;
- b. provision of social, medical, psychological and material assistance;
- c. initiatives aimed at overcoming the causes that generate the state of risk or vulnerability;
- d. preservation of identity, images and personal data;
- e. support for the fulfillment of civil and administrative obligations requiring personal attendance;
- f. temporary suspension of functional activities; and
- g. exceptionally, the transfer of residence or temporary accommodation in a confidential place, compatible with the protection.

Decree No. 9,937, of July 24, 2019, established the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPDDH) and the Deliberative Council of the Program within the Ministry of Women, Family and Human Rights (MMFDH), in order to articulate measures for the protection of persons threatened as a result of their work in the defense of human rights.

The PPDDH is carried out through voluntary cooperation between the Union, states and the Federal District. Its objective is to articulate measures aimed at protecting the human rights defender for the protection of his or her personal integrity and the maintenance of his or her role in the defense of human rights.

In 2018, PPDDH was altered to broaden the extent and form of the types of defenders covered by the Program, which now explicitly include protection for social communicators and environmentalists. Since then, for the purposes of the PPDDH, the following are considered human rights defender:

- a. any individual, group or social structure that promotes and protects universally recognized human rights and fundamental freedoms;
- b. social communicator with regular activity in social communication, whether performing professional or personal activities, even if unpaid, to disseminate information that aims to promote and defend human rights and that, as a result of acting for this purpose, is experiencing situations of threat or violence to constrain or inhibit his/her objectives;
- c. Environmentalist that acts in defense of the environment and natural resources, as well as ensuring access and fruition of these resources by the population, and that, as a result of this action, is experiencing situations of threat or violence to constrain or inhibit his/her objectives.

The PPDDH Deliberative Council has the following powers:

- a. to formulate, monitor and evaluate the actions of the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists;
- b. to define strategies for articulation with the other Powers of the Union and with the States, the Federal District and the Municipalities for the execution of the Program of Protection to Human Rights Defenders, Communicators and Environmentalists;
- c. to deliberate about the inclusion or exclusion of threatened human rights defender in the Protection Program for Human Rights Defenders, Communicators and Environmentalists;
- d. to decide about the length of stay of specific cases in the Protection Program for Human Rights Defenders, Communicators and Environmentalists, in situations not established on the Ministerial Order of Women, Family and Human Rights;
- e. to establish the amount of monthly financial aid to pay rent, water, electricity, food, transport, clothing, medicine and others, in the case of temporary care;
- f. to decide through resolutions about other matters of interest of the Protection Program for Human Rights Defenders, Communicators and Environmentalists;
- g. to support the implementation of the Protection Program for Human Rights Defenders, Communicators and Environmentalists in the states and the Federal District; and
- h. to draw up its internal rules.

In view of the aforementioned guideline for joint and articulated action by all spheres of government, it is important to illustrate that Rio de Janeiro has a local program for the protection of human rights defenders, which may be demanded on this issue.

Therefore, if it is at the convenience of Mr. Glenn Greenwald or members of his family, he may submit a formal request to the Rio de Janeiro program, as the initiative must be voluntary and from the interested party. The request can be made through the email <ry.defensoresdh@gmail.com>.-