



*Permanent Mission of Brazil to the United Nations Office in Geneva
Chemin Camille-Vidart, 15 – 1202 - Genève*

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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 United Nations High Commissioner for Human Rights and has the honour to refer to the joint communication AL BRA 3/2025, dated April 29th 2025.

The Permanent Mission would like to submit the attached information from the Government of Brazil, additional to the information submitted through the Note Verbal 317 from June 27th 2025, regarding alleged threats to persons from the Ka'apor indigenous community, in the State of Maranhão, Brazil.

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

Geneva, July 24th 2025.



To the
Office of the United Nations High Commissioner for Human Rights
(OHCHR), Special Procedures Branch
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FEDERATIVE REPUBLIC OF BRAZIL

**UNITED NATIONS ORGANIZATION
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN
RIGHTS (EACDH)
JOINT COMMUNICATION AL BRA 3/2025
STATUS REPORT**

In reference to the joint communication (AL BRA 3/2025), dated April 29, 2025, transmitted by the Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (EACDH), requesting information on alleged threats and attempts at intimidation against two human rights defenders of the Ka'apor Indigenous Community (Maranhão), as a result of opposition to a carbon credit project on the indigenous land of Alto Turiaçu, proposed by the North American company "Wildlife Works Carbon".

July 2025

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I - I - INTRODUCTION

This report provides information on alleged threats and attempts to intimidate two human rights defenders from the Ka`apor Indigenous Community (Maranhão) as a result of their opposition to a carbon credit project on indigenous land in Alto Turiaçu, proposed by the US company Wildlife Works Carbon.

The joint communication (AL BRA 3/2025) reports on the conditions faced by Itahu Ka`apor and Mariuza Ka`apor, who claim to be members of the representative authority of the Ka`apor community (Tuxa Ta Pame), which is allegedly being sidelined by Wildlife Works Carbon in the process of obtaining prior informed consent on behalf of an association that allegedly does not represent the peoples of the Alto Turiaçu indigenous land. “Wildlife Works Carbon” in the process of obtaining prior informed consent, in favor of an association that allegedly does not represent the peoples of the Alto Turiaçu indigenous land. After filing a lawsuit on October 30, 2024, against the Brazilian government, FUNAI and the company “Wildlife Works Carbon,” in order to suspend the activities of the aforementioned company in the region, Itahu Ka`apor and Mariuza Ka`apor allege that they were victims of attempted intimidation.

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested information from the Brazilian State on the case, specifically on:

1. Any additional information and/or comments on the allegations mentioned above.
2. Details on the measures taken by the Brazilian Government to ensure that members of all communities directly and indirectly affected by the carbon credit project proposed by Wildlife Works have had timely access to information about the project and have been able to participate fully in community-led consultations prior to its development, in accordance with ILO Convention 169. Also, information on the measures taken by the Brazilian Government to ensure that, where consent has not been given, this will be respected.
3. What measures has the Brazilian Government taken or is considering taking, including policies, legislation, and regulations, to fulfill its obligations to protect against human rights abuses by commercial companies in its territory and/or under its jurisdiction, and to ensure that commercial enterprises in its territory and/or jurisdiction conduct human rights due diligence to identify, prevent, mitigate, and account for how they address their impacts on human rights and the natural environment in all their operations, as set out in the UN Guiding Principles on Business and Human Rights.

4. Details on any measures that may have been taken by the Brazilian Government in response to alleged threats and intimidation against human rights defenders in the area affected by the carbon credit project proposed by Wildlife Work, in particular information on any investigations carried out or on the authorization of any measures to protect human rights defenders. If such measures have not been taken, indicate the reason.

5. Information on measures in place to ensure that human rights defenders, including those defending their land rights, can carry out their legitimate work without fear of criminalization or retaliation of any kind by state and non-state actors. Please provide information specifically in light of the recommendations provided to States in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises regarding the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2), reminding States and companies of the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to the protection of and respect for the vital work of human rights defenders.

6. Information on the measures taken by the Brazilian Government in response to the recommendation provided in the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises during its visit to Brazil in 2015 (A/HRC/32/45/Add.1), including in particular with regard to establishing clear expectations in relevant policies that all business enterprises in Brazil respect human rights in all their operations and conduct human rights due diligence in relation to their domestic and international operations, and ensuring that rights holders and stakeholders who may be affected by development projects receive information, including adequate legal advice, to be in a position to negotiate on an equal footing with a company.

7. Details on the measures taken by your Government to ensure that carbon credit projects make a genuine contribution to global emissions reduction and do not have negative environmental and human rights impacts locally.

8. Information on any measures taken by your Government to ensure that indigenous peoples affected in your territory and/or jurisdiction have access to effective, adequate, and timely remedies, as well as compensation for human rights abuses related to the business mentioned above.

Considering the foregoing, the Brazilian State respectfully provides the requested information.

II - ESTADO INFORMATION FROM THE STATE

II.I. Free, prior, and informed consultation with the K'apor community

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (EACDH) requested that the Brazilian State:

1. Provide any additional information and/or comments you may have on the allegations mentioned above.
2. Provide details on the measures taken by your Government to ensure that members of all communities directly and indirectly affected by the carbon credit project proposed by Wildlife Works have had timely access to information about the project and have been able to participate fully in community-led consultations prior to its development, in accordance with ILO Convention 169. Please also provide information on the measures taken by your Government to ensure that, where consent has not been given, this will be respected.

With regard to these topics, the State Secretariat for Human Rights and Popular Participation (SEDIHPOP) of Maranhão reported that the 3rd Federal Civil Court – Judicial Section of Maranhão (SJMA) issued, in case [REDACTED], on May 30, 2025, a decision partially granting the request for urgent relief to determine, among other things, **the provisional suspension of any administrative or business measures related to the REDD+ project by the company Wildlife Works Brasil**. The following is highlighted from the decision:

The controversy presented involves the attempt to implement a REDD+ project with the participation of the defendant company WWC, allegedly at the invitation of the [REDACTED], with whom preliminary memoranda were signed and stages of the Free, Prior, and Informed Consultation (CLPI) process were initiated. The company claims to have conducted the procedure in a participatory manner, with the presence of 21 chiefs and representatives from 21 of the 27 villages in the Alto Turiaçu Indigenous Land.

However, one cannot ignore the statement by the [REDACTED] [REDACTED] which also presents itself as the legitimate representative of the Ka'apor people, structured in a collective and traditional manner, and which maintains that it was not consulted at any time. This dissociation between forms of indigenous representation is one of the central points of the controversy.

Notwithstanding the civil capacity of indigenous peoples, recognized in Article 232 of the Federal Constitution, the exercise of this autonomy must be conducted in accordance with procedural guarantees, especially that consultations preceding measures affecting their lives and territories are effectively free, prior, and informed, covering all representative groups of the community involved.

The absence of specific regulations on the trading of carbon credits on indigenous lands, recognized even by FUNAI in a statement in the case file, requires judicial conduct guided by caution. Although it cannot be categorically stated at this time that the project in question is illegal, it is also not possible to recognize with certainty that the CLPI was conducted in a manner that was fully legitimate and representative of the entire indigenous community affected.

The fact that a significant group of the Ka'apor people, organized under the leadership of the Tuxa Ta Pame Council, has expressly declared its opposition to the implementation of the project and alleged a lack of effective participation in the consultation weakens the democratic legitimacy of the consent process conducted to date.

Given this scenario, I believe that the legal requirements for the partial granting of provisional relief are met. The danger of harm is posed by the possible implementation of a project with significant social, environmental, and cultural impacts, without clear consensus among the groups representing the affected indigenous people. The plausibility of the right arises from the need to fully respect the CLPI procedure in accordance with applicable international and constitutional standards.

In view of the above, I partially grant the request for urgent relief to determine the provisional suspension of all activities related to the implementation of the REDD+ Project in the Alto Turiaçu Indigenous Land, including meetings, the development of technical or operational stages, and any administrative or negotiating measures related to the project by Wildlife Works Brasil Projetos para Meio Ambiente Ltda. and any representatives, until the legitimacy of the indigenous representations involved and the regularity of the consultation process carried out are clarified in court.

The latest developments in case no. [REDACTED] date from June 2, 2025, with the filing of an interlocutory petition.

Thus, as provided in the judgment, the right to free, prior, and informed consultation is constitutionally guaranteed to indigenous peoples, since they have civil capacity recognized in Article 232 of the Federal Constitution, the exercise of this autonomy must be conducted in accordance with procedural guarantees, especially that consultations preceding measures that affect their lives and territories are effectively free, prior, and informed, covering all representative groups of the community involved. Considering, therefore, that in the case in question, effective respect for this right represents a controversy involving the attempt to implement the REDD+ project by the company

Wildlife Works Brasil, a situation that is under review by the competent judicial bodies, with a view to complying with the aforementioned constitutional obligation.

II.II. Actions and investigations relating to alleged threats and intimidation against human rights defenders in the area affected by the carbon credit project proposed by Wildlife Works

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested the Brazilian State to provide:

4. Details of any measures that may have been taken by your Government in response to the alleged threats and intimidation against human rights defenders in the area affected by the carbon credit project proposed by Wildlife Work, in particular information on any investigations carried out or on the authorization of any measures to protect human rights defenders. If no such measures have been taken, please indicate the reasons why.

On the other hand, there is the [REDACTED], in the ALTO TURIACU Indigenous Land, which adopts a hierarchical structure and internal organization through a chiefdom, in addition to following an approach with strong links to non-indigenous entities and various companies, especially those related to carbon credits.

It is worth noting that, according to information from the PEPDDH/MA, its technical team and the defenders protected by this program have never participated in or supported initiatives by companies in the aforementioned indigenous territory. Through public means and legal proceedings, the Program learned that the [REDACTED] [REDACTED] in partnership with the company Wildlife Works Brasil, had held a meeting between August 22 and 24, 2023.

Regarding the recent measures adopted by PEPDDH/MA to protect CGK human rights defenders, the most notable is the latest on-site monitoring in the territory between July 15 and 19, 2024. During this visit, forms of communication were established to facilitate contact with CGK members as a group, and a commitment was made to support

CGK training activities and surveillance of the territory. In addition, virtual monitoring took place on March 18 and 21, 2025, and an in-person visit was made on April 10, 2025, when the leader Itahu Kaapor was honored at the inauguration ceremony of the Center for Agrarian and Socio-Environmental Defense of the Public Defender's Office of the State of Maranhão, accompanied by two other indigenous people, one another member of the CGK and the other from the MurutyRenda village.

The PEPDDH/MA also reported that the technical team sought to understand and update the threats suffered by defenders Itahu Ka'apor and Mariuza Ka'apor in March, April, and May 2025, during which there were several communications through the hotline and virtual meetings with the protected HRD, partner, and legal counsel. It should be noted that during the on-site mission in the territory between July 15 and 19, 2024, the Federal Police accompanied the aforementioned activity for one day and collected various pieces of evidence of serious situations in the territory, such as: farmers with cattle inside Kaapor territory, armed hunters engaging in illegal activities and terrorizing indigenous people, and other diffuse threats possibly from residents of the villages, hunters and even co-opted indigenous people, targeting the Itahu leadership of the CGK. As a result, since the mission, the protected leadership has been isolated in their village, having to move around in groups, at night and along trails to avoid being identified.

It should be noted that since the defenders joined the PEPDDH/MA, several protection measures have been adopted, as detailed in the Protective Action Plan, of which the following stand out:

- Coordination, since 2022, of actions to adopt measures with any of the powers of the Union, States, Federal District, and Municipalities, aimed at overcoming or reducing the causes that may generate or aggravate the threat to human rights defenders: formalization of all situations in the territory related to risks and threats; activation of the interinstitutional space for indigenous issues;
 - Official letters to Funai, SSP, and SEDIHPOP informing them of the case and requesting follow-up; requesting coordination within the Public Security sphere for logistical support in the investigation into the death of a Ka'apor leader; requesting speed and updates on ongoing referrals.

- Official letter to DPE/MA and DPU requesting legal assistance for emancipation, on February 23, 2023.
- Meeting of the inter-institutional working group on indigenous issues on July 12, 2024, to coordinate an inter-institutional mission, in the presence of: PEPDDH, SEDIHPOP, FUNAI, Military Police, Federal Police, and CGK.
- Official letter to SEDIHPOP, informing of the emergency removal of DDH [REDACTED] from the Ka'apor Indigenous Territory, located in Araguanã, to São Luís, from December 7 to 17, 2024.
- Official letters in May 2025 to the Federal Public Prosecutor's Office, Federal Police, FUNAI, and SEDIHPOP, requesting an investigation into incidents between the villages of Muruty Renda/village 45/Centro do Guilherme and Gurupiuna/village Cocal/Centro Novo.
- Official letter to SEDIHPOP passing on information on protective measures, regarding court [REDACTED].

Monitoring of investigations, complaints, and judicial and administrative proceedings in which human rights defenders are parties and which are related to their activities: request to security agencies for investigative procedures related to threats through Incident Reports.

- Police Report [REDACTED] - filed on January 28, 2022, by Sarapo Ka'apor, reporting threats;
- Official Letter No. 23/2022 to SSP and SEDIHPOP, requesting that the Maranhão Public Security Secretariat (SSP/MA) investigate and monitor the case in order to ensure the safety of the indigenous families of the Ka'apor people, on February 2, 2022;
- Monitoring of the investigation opened by the Federal Police, under [REDACTED] [REDACTED] – SR/PF/MA, which investigates the circumstances surrounding the death of the Sarapó Kaapor leader;

- Official letter No. 131/2023 to the Federal Police Station, requesting updates on environmental crimes under investigation, on June 15, 2023.
- Monitoring of court case [REDACTED], pending before the 3rd Federal Court of the Judicial District of Maranhão
- Visits to the defenders' place of work to analyze the case and the risk or threat situation: support for visibility and mobilization activities; assistance in the territory;
 - Participation in the March for Good Living in the Forest on May 12 and 13, 2023;
 - On-site visits in May 2024;
 - On-site visit between July 15 and 19, 2024, with training activities to strengthen protective strategies
- Periodic monitoring of the work of human rights defenders to verify the persistence of risk and threats: Community strengthening and monitoring services;
 - Monitoring of risks and threats with human rights defender Itahu Ka'apor on July 21, 2020, November 21, 2020, and March 26, 2024
 - Financial support for indigenous self-protection and collective protection activities on December 8, 2021;
 - Financial support for transportation and monitoring activities in the Alto Turiaçu Indigenous Territory on November 26, 2024;
 - Psychological assistance with human rights defender [REDACTED] in São Luís, due to increased vulnerability following his emergency evacuation on December 15, 2024.
 - Financial support to enable the travel of human rights defenders engaged in surveillance activities in the Ka'apor Indigenous Territory, through the clearing/opening of roads, on March 31, 2025;

- Support in the event of emergency evacuation of the DDH from the Ka'apor Indigenous Territory, located in the municipality of Araguanã, to São Luís, on December 19, 2025.
- Monitoring assistance, via technical support, with partner DDH Itahu Ka'apor, carried out on March 18, 2025, and March 21, 2025, respectively;
- Online monitoring assistance on March 20, 2025, with partner;
- Financial support for travel and accommodation for DDH Itahu Ka'apor, [REDACTED] to attend a tribute event and the opening of the Center for Agrarian and Socio-Environmental Defense of the Public Defender's Office in the State of Maranhão, between April 9, 2025, and May 11, 2025;
- In-person monitoring with human rights defenders Itahu Ka'apor, [REDACTED] on April 10, 2025;
- Online monitoring with a partner on May 21, 2025;
- Financial support for the repair of Starlink to enable telephone and internet communication;

Training and education on human rights, self-protection, and consensual conflict resolution measures, when applicable: Provide and support training initiatives;

- Participation in the Week of Popular Participation, held from April 17 to 19, 2023, in São Luís, where the risks and threats to cases under protection were discussed and updated;
- Participation of a human rights defender in the National Meeting of Human Rights Defenders, from November 27 to December 1, 2023;
- Participation in the State Human Rights Caravan, from December 11 to 13, 2023;
- Support, between July 15 and 19, 2024, with training activities to strengthen protective strategies, in conjunction with internal training conducted by the Tuxá Ta Pa Me Management Council;

- Financial support for training activities in the Ka'apor territory with Tuxa leaders and Environmental Guides aimed at self-protection and collective protection in light of the latest attacks on the Murutyrenda and Gurupiuna communities, between August 15 and 18, 2024;
- Participation in the Annual Human Rights Caravan in São Luís, between December 8 and 12, 2024;

Therefore, despite the alleged threats against the Ka'apor indigenous people, the Brazilian State demonstrates that it has been attentive and has taken action to protect human rights defenders in that community through the State Program for the Protection of Human Rights Defenders (PEPDDH/MA).

II.III. Measures in place to protect human rights defenders

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (EACDH) requested that the Brazilian State:

5. Provide information on the measures in place to ensure that human rights defenders, including those defending their land rights, can carry out their legitimate work without fear of criminalization or retaliation of any kind by state and non-state actors. Please provide information specifically in light of the recommendations provided to States in the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises regarding the adverse impact of business activities on human rights defenders (A/HRC/47/39/Add.2), reminding States and companies of the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to the protection of and respect for the vital work of human rights defenders.

On this topic, the Brazilian State reports that, in 2023, the Sales Pimenta Technical Working Group (GTT) was created within the Ministry of Human Rights and Citizenship

(MDHC), established by Decree No. 11,562 of June 13, 2023.¹ The GTT was formed with the objective of developing proposals for the National Plan for the Protection of Human Rights Defenders, Communicators, and Environmentalists and a Draft Bill on the National Policy for Human Rights Defenders, Communicators, and Environmentalists. Composed of representatives of the Federal Government, under the coordination of the MDHC, the GTT includes the ministries of Justice and Public Security; Environment and Climate Change; Indigenous Peoples; Women; Racial Equality; Agrarian Development and Family Farming; as well as members of the General Secretariat of the Presidency of the Republic and the Attorney General's Office. In addition, the Group also includes representatives of civil society who were chosen through an electoral process coordinated by the Permanent Commission of Human Rights Defenders and Combating the Criminalization of Social Movements of the National Human Rights Council (CNDH).²

On January 31, 2024, a public call was opened for the development of the National Plan for the Protection of Human Rights Defenders, Communicators, and Environmentalists. Civil society organizations, public agencies, and rights councils were able to submit proposals for consultation activities and must submit their requests through an electronic form on the Participa Mais Brasil platform.³

Following the public consultation, 52 proposals were submitted to the Participa Mais Brasil platform between February and March 2024. Of these, 42 proposals were selected by the MDHC through the Sales Pimenta GTT. Through listening sessions in hybrid meetings, the proposals are essential for analyzing and diagnosing the current situation, providing crucial data for the restructuring of public policy.⁴

In addition, between April 8 and 19, 2024, at the invitation of Brazil, the United Nations Special Rapporteur on the situation of human rights defenders, Mary Lawlor, was on an official mission, fulfilling her agenda throughout the country. During this period,

¹ IMPRENSA NACIONAL. DECRETO Nº 11.562, DE 13 DE JUNHO DE 2023 Disponível em: <https://www.in.gov.br/en/web/dou/-/decreto-n-11.562-de-13-de-junho-de-2023-489766859>.

² PARTICIPA MAIS BRASIL. Grupo Técnico de Trabalho Sales Pimenta (GTT Sales Pimenta) (MDHC). Disponível em: <https://www.gov.br/participamaisbrasil/gtt-sales-pimenta>.

³ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Aberta convocação popular para elaboração do Plano Nacional de Proteção a Defensores de Direitos Humanos, Comunicadores e Ambientalistas. Gov.br. Publicado em 01 de fevereiro de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/fevereiro/aberta-convocacao-popular-para-elaboracao-do-plano-nacional-de-protecao-a-defensores-de-direitos-humanos-comunicadores-e-ambientalistas>.

⁴ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/marco/gtt-sales-pimenta-do-mdhc-inicia-consultas-publicas-para-elaboracao-do-plano-nacional-de-protecao-a-defensores-de-direitos-humanos>.

the rapporteur held talks with federal authorities and listened to defenders from various locations in Brazil. The expert held meetings in Brasília, Bahia, Pará, São Paulo, and Mato Grosso do Sul, where she also made field visits and attended a meeting of the Sales Pimenta GTT. The special rapporteur praised two initiatives coordinated by the Ministry of Human Rights and Citizenship (MDHC): the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) and the Sales Pimenta GTT, which operates within the program. In the assessment of the United Nations expert, the meetings in Brasília led her to believe that the federal government recognizes human rights defenders and their work, as well as understanding the risks they face. The report on the visit by Special Rapporteur Mary Lawlor was presented to the UN Human Rights Council and published on February 24, 2025.⁵

Following the rapporteur's visit, in light of the press release highlighting points of concern and areas for improvement, the Minister of Human Rights and Citizenship convened the main responsible bodies for a meeting held on June 20, 2024, attended by the Minister of the Environment, which addressed the main recommendations of the visit and called for the cooperation of all agencies in the process of restructuring the PPDDH.⁶

Also on April 22, 2024, it was reported that public consultations for the preparation of the National Plan for the Protection of Human Rights Defenders now had a Guidance Manual. At the same time, the Sales Pimenta TWG presented important information to the organizations proposing activities aimed at receiving proposals for the National Plan.⁷

The guide is structured around the following sections: (i) social participation and public consultation; (ii) protection policy; (iii) national protection plan; (iv) Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH); (v) expected results; (vi) guiding principles; (vii) thematic areas; (viii) methodology; (ix) suggested questions organized by thematic areas; and (x) submission of documents produced.

⁵ Disponível em: <https://digitallibrary.un.org/record/4076488?ln=en&v=pdf>.

⁶ AGÊNCIA GOV. Disponível em: <https://agenciagov.ebc.com.br/noticias/202406/silvio-almeida-e-marina-silva-propoe-melhorias-nas-politicas-de-protecao-a-defensores-de-direitos-humanos>.

⁷ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/abril/guia-orienta-processos-de-consulta-publica-para-a-nova-politica-de-defensores-de-direitos-humanos>.

After hearings in the territories in the first half of 2024, the Ministry of Human Rights and Citizenship began to promote active listening in urban areas on the situation of violations against human rights defenders, communicators, and environmentalists.

On July 29, 2024, a public hearing entitled “Scenario of violations and protection of defenders and communicators in urban areas” was held with the presence of national and international observers, lawyers, journalists, and representatives of social movements. The hearing, conducted by the general coordinator of the PPDDH, was divided into three blocks, covering topics such as public security, social and environmental rights, and social communicators. On August 7, 2024, the second public hearing was held, with the theme “intersectionality.” On August 29, 2024, the third public hearing was held, with the theme “Scenario of violation and protection of defenders and communicators linked to land and territory issues and traditional communities.” On November 26, 2024, the fourth public hearing was held to present proposals for the National Plan for the Protection of Human Rights Defenders, Communicators, and Environmentalists.

The first proposal for the National Plan was organized into three pillars—State Protection, Popular Protection, and Access to Rights and Combating Impunity—which bring together general and common proposals related to the themes. Each pillar includes strategic objectives and programmatic actions.⁸

On December 4, 2024, a draft bill was published establishing the National Policy for the Protection of Human Rights Defenders.⁹

On December 12, 2024, after 54 public consultations and four public hearings,¹⁰ the final proposal for the National Plan for the Protection of Human Rights Defenders was delivered.¹¹

On June 10, 2025, the Ordinance regulating the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists was published,

⁸ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Disponível em: <https://www.gov.br/participamaisbrasil/nova-audiencia-publica-vai-receber-contribuicoes-para-o-plano-nacional-voltado-aos-defensores-de-direitos-humanos>.

⁹ PARTICIPA MAIS BRASIL. Disponível em: <https://www.gov.br/participamaisbrasil/anteprojeto-de-lei>.

¹⁰ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/dezembro/com-ampla-participacao-popular-plano-nacional-para-protger-defensores-de-direitos-humanos-tem-primeira-versao-consolidada>.

¹¹ PARTICIPA MAIS BRASIL. Disponível em: <https://www.gov.br/participamaisbrasil/12-12-proposta-final-plano-nacional-de-protecao-as-defensoras-e-aos-defensores-de-direitos-humanos>.

defining the structure and standardizing protection measures for individuals, associations, groups, organizations, and movements that promote and defend human rights.¹²

In addition to the actions linked to the Sales Pimenta GTT, it is worth noting that, throughout 2024, the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) allocated R\$ 30.1 million to guarantee the right to life throughout the national territory. During this period, PPDDH agreements were renewed and signed with the states of Bahia, Ceará, Pará, Maranhão, Pernambuco, Minas Gerais, and the Program's Federal Technical Team (ETF), in the amount of R\$ 22.9 million—the ETF serves the 18 Federal Units (UFs) that do not have state programs. Maintenance and amendments were also made in Paraíba and PPDDH/ETF, with a transfer of R\$ 7.2 million. In total, more than R\$ 30.1 million was transferred under the public policy.¹³

Therefore, the Brazilian State reinforces that it has taken assiduous measures to protect human rights defenders.

¹² MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2025/junho/mdhc-publica-portaria-que-regulamenta-procedimentos-do-programa-de-protecao-aos-defensores-de-direitos-humanos-comunicadores-e-ambientalistas>.

¹³ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/dezembro/em-2024-mais-de-r-55-milhoes-garantiram-protecao-a-defensores-de-direitos-humanos-e-a-vitimas-e-testemunhas-ameacadas>.

II.IV. Actions related to human rights and companies

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (EACDH) requested that the Brazilian State:

3. Indicate what measures your Government has taken or is considering to fulfill its obligations to protect against human rights abuses by commercial enterprises in its territory and/or under its jurisdiction, and to ensure that commercial enterprises in its territory and/or jurisdiction conduct human rights due diligence to identify, prevent, mitigate, and account for how they address their impacts on human rights and the natural environment throughout their operations, as set out in the UN Guiding Principles on Business and Human Rights.

6. Provide information on the measures that your Government has taken in response to the recommendation provided in the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises during its visit to Brazil in 2015 (A/HRC/32/45/Add.1), including in particular with regard to establishing clear expectations in relevant policies that all business enterprises in Brazil respect human rights throughout their operations and conduct human rights due diligence in relation to their domestic and international operations, and ensuring that rights holders and stakeholders who may be affected by development projects receive information, including adequate legal advice, to be in a position to negotiate on an equal footing with a company.

The adoption of the United Nations Guiding Principles on Business and Human Rights was supported by a Working Group (WG) composed of experts within the UN Human Rights Council, with the mission of supporting States in implementing these principles.¹⁴ In Brazil, representatives of the WG conducted a mission between December 7 and 16, 2015, visiting federal and state government agencies, as well as civil society, academia, and relevant companies.¹⁵

¹⁴ OHCHR. Working Group on Business and Human Rights. 2024. Disponível em: <https://www.ohchr.org/en/special-procedures/wg-business> .

¹⁵ CONECTAS DIREITOS HUMANOS. Direitos Humanos e Empresas no Brasil: Relatório do Grupo de Trabalho da ONU. São Paulo: Conectas. 1 ed. Nov. 2017. Disponível em: [https://www.conectas.org/wp-content/uploads/2018/01/Relat%C3%B3rio-GT-Empresas-e-Direitos-Humanos .pdf](https://www.conectas.org/wp-content/uploads/2018/01/Relat%C3%B3rio-GT-Empresas-e-Direitos-Humanos.pdf), p. 2; OHCHR. Brazil: UN expert group to assess impact of business activities on human rights. Genebra, 07 de dezembro de 2015. Disponível em: <https://www.ohchr.org/en/press-releases/2015/12/brazil-un-expert-group-assess-impact-business-activities-human-rights> .

The final report of the WG's visit was released during the 32nd Session of the United Nations Human Rights Council, held in June 2016.¹⁶ The document established recommendations for the Brazilian State, companies, and civil society, aimed at addressing and resolving the challenges identified during the mission. Among the WG's recommendations to Brazil, the following stand out:

The Working Group recommends that the Government: (...)

(b) Set out in relevant policies clear expectations that all companies in Brazil respect human rights in their operations and carry out due diligence (auditing) on human rights in relation to their domestic and international operations.

(k) Strengthen the capacity, resources allocated, and coordination between the Brazilian Institute of the Environment and Renewable Natural Resources and the National Indian Foundation in order to strengthen regulation of large development projects and provide sustained protection for affected communities.

(l) Improve the technical capacity and resources of the Brazilian Institute of the Environment and Renewable Natural Resources so that it can better monitor the social and environmental impacts of large development projects and compliance with all conditions imposed in mitigation plans.

(n) Ensure that, when disasters such as the Fundão Tailings Dam collapse occur, adequate compensation is provided to all affected persons, following prior and effective consultation, and that adequate environmental mitigation and redress measures are carried out.

(o) Use its best efforts to try to prevent the elimination of fundamental environmental protections from the Mining Code and also use its best efforts to ensure that licensing processes for infrastructure works contain broad social and environmental considerations.

(u) Provide enhanced human rights training to ministry officials, officials responsible for environmental licensing, and judges to ensure that existing legal principles, human rights standards, and international best practices are known and applied by decision-makers.¹⁷

¹⁶ UN Human Rights Council. Report of the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises on its mission to Brazil. A/HRC/32/45/Add.1. 12 de maio de 2016. Disponível em: <https://digitallibrary.un.org/record/843240?v=pdf#files> .

¹⁷ UN Human Rights Council. Report of the Working Group on the Issue of Human Rights and Transnational Corporations and other Business Enterprises on its mission to Brazil. A/HRC/32/45/Add.1. 12 de maio de 2016. Disponível em: <https://digitallibrary.un.org/record/843240?v=pdf#files>, §70

Following the visit, the Ministry of Human Rights, in line with its goal of consolidating a Public Policy on Business and Human Rights, held a workshop on March 3, 2016, entitled “Human Rights and Business: From Guiding Principles to a National Plan.” This is a long-standing commitment to support the process of developing the future National Plan on Business and Human Rights, under the coordination of the Secretariat for Human Rights.¹⁸

In 2017, the Ministry of Human Rights, through its National Secretariat for Citizenship, supported the project of the Getúlio Vargas Foundation's Center for Human Rights and Business, entitled “Implementing the UN Guiding Principles on Business and Human Rights: The State's Duty to Protect and the Obligation of Companies to Respect Human Rights.” The document aimed to clarify the changes promoted by the United Nations Guiding Principles on Business and Human Rights and their impact on the duty of States to protect human rights, as well as on the responsibility of companies to respect these rights. The publication also suggested different paths that could be taken by the State to support the development of policies, legislation, and regulation for the implementation of the Guiding Principles.¹⁹

In 2018, in order to respond to existing international recommendations, the Ministry of Human Rights began structuring a document responding to recommendations on Business and Human Rights to the Brazilian State. The document aimed to publicize the main topics recommended by international bodies—identifying the actors and those responsible for implementing these recommendations—and to build a diagnosis with the support of consultations with key actors on the issue.²⁰ For its analysis, the Ministry of Human Rights considered, in addition to the recommendations of the WG,

¹⁸ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Secretário Rogério Sottili destaca necessidade de compreensão e ampliação da cultura de direitos humanos nas empresas. Gov.br. Publicado em 03 de março de 2016. Atualizado em 14 de maio de 2018. Disponível em: <https://www.gov.br/mdh/pt-br/sdh/noticias/2016/marco/secretario-rogerio-sottili-destaca-necessidade-de-compreensao-e-ampliacao-da-cultura-de-direitos-humanos-nas-empresas-1>.

¹⁹ SCABIN, Flávia; ACCA, Thiago (Coords.). Implementando os princípios orientadores sobre empresas e direitos humanos da ONU: O dever do Estado de proteger e a obrigação das empresas de respeitar os direitos humanos. Centro de Direitos Humanos e Empresas da Fundação Getúlio Vargas Direito SP (Realização). Ministério dos Direitos Humanos e Secretaria Nacional de Cidadania (Apoio). Brasília: Artector Gráfica e Editora. 2017. Disponível em: <https://epge.fgv.br/files/default/empresas-e-direitos-humanos.pdf>.

²⁰ MINISTÉRIO DOS DIREITOS HUMANOS. Projeto PNUD-BRA/16/020 - “Seguimento e implementação de compromissos nacionais e internacionais em Direitos Humanos fortalecidos”. Edital 2018. Disponível em: https://www.gov.br/mdh/pt-br/navegue-por-temas/cooperacao-internacional/editais-2018-1/Proposta_TR_Empresas_25jul_valorrevisado_2908.pdf.

recommendations of other kinds, such as those of the Third National Human Rights Program (PNDH-3); the Report of the National Human Rights Council (CNDH); the National Conferences; and recommendations from other UN rapporteurs, such as the aforementioned Report on the mission to Brazil by the Special Rapporteur on the rights of indigenous peoples.²¹ After consulting 130 actors, including federal agencies, companies, and civil society, in order to gather information on initiatives aligned with the WG's recommendations, an interministerial meeting was held on September 20, 2018, an interministerial meeting with federal government actors was held to coordinate and harmonize the working methodology for preparing the Plan and strategies for responding to the recommendations.²²

Also in 2018, the Attorney General's Office proposed that state-owned companies sign an open letter entitled: “The Brazilian State and companies in favor of the protection of human rights.” The Ministry of Human Rights, the Public Ministry of Labor, Banco do Brasil, Banco do Nordeste do Brasil, the National Bank for Economic and Social Development, Caixa Econômica Federal, the Brazilian Post and Telegraph Company, Eletrobrás, and Petrobras joined the initiative. The letter was signed on November 21, 2018, at the Brazilian Human Rights Award ceremony.²³

The letter listed actions for the promotion and defense of rights to be observed by companies, such as: (1) the adoption of a human rights policy/program; (2) the implementation of human rights education activities; (3) promoting actions to value the workforce, respecting vulnerabilities; (4) adopting communication, monitoring, and sanctioning policies aimed at employees to preserve rights and prevent unacceptable

²¹ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. MDH aprimora instrumentos para reforçar agenda Empresas e Direitos Humanos. Gov.br. Publicado e Atualizado em 30 de novembro de 2018. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2018/novembro/mdh-aprimora-instrumentos-para-reforcar-agenda-empresas-e-direitos-humanos> .

²² MINISTÉRIO DOS DIREITOS HUMANOS. Secretaria Nacional de Cidadania. Balanço da Implementação do Planejamento 2017/2018. Dezembro de 2018. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2018/agosto/planejamento-estrategico-da-secretaria-nacional-de-cidadania-recebe-primeiro-relatorio-de-ajustes/BalancoPLANEJAMENTOSNCjul2017dez2018.pdf> .

²³ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Carta Aberta Empresas pelos Direitos Humanos é assinada em Brasília. Gov.br. Publicado em 29 de novembro de 2018. Atualizado em 30 de novembro de 2018. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2018/novembro/carta-aberta-empresas-pelo-direitos-humanos-e-assinada-em-brasil>; MINISTÉRIO DOS DIREITOS HUMANOS; PROCURADORIA-GERAL DA REPÚBLICA; MINISTÉRIO PÚBLICO DO TRABALHO. *et. al.* Carta Aberta Empresas pelos Direitos Humanos. Novembro de 2018. Disponível em: https://www.chesf.com.br/sustentabilidade/Documents/Carta_Aberta_Empresas_pelos_Direitos_Humanos.pdf .

practices; (5) promoting the dissemination of public reporting channels; and (6) conducting human rights audits to assess the actual and potential impact of their activities and reporting on such impacts, including through the publication of reports.²⁴

Also in 2018, **Decree No. 9,571** was enacted, establishing the National Guidelines on Business and Human Rights. In addition to the United Nations Guiding Principles on Business and Human Rights, the instrument took into account the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. It also considered the International Labor Organization's "Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy," with guidelines on working conditions, emphasizing the predominant role that multinational companies play in the global economy and the potential of these companies to take measures and conduct themselves in a manner that promotes respect for and non-violation of human rights.

As it was a regulatory act (presidential decree), implementation depended on voluntary adherence by companies, which became a limiting factor in the instrument's potential impact. In addition, the generic format of "guidelines" was criticized for not assigning specific responsibilities to the actors involved. No targets to be achieved, deadlines for implementation, or evaluation indicators were established. Despite the issues raised in relation to Decree No. 9,571/2018, there have been several attempts by the Brazilian government to implement it, with a view to establishing a minimum regulatory framework for the issue.

At the governmental level, some actions were taken to implement Decree No. 9,571/2018. Despite its provision in Article 16 of Chapter V of the Decree, the committee with exclusive competence for its effective implementation was not established.

Nevertheless, the then Ministry of Women, Family, and Human Rights (MMFDH) participated in and organized sessions at international and national events and dialogues on the theme of human rights and business.

²⁴ MINISTÉRIO DOS DIREITOS HUMANOS; PROCURADORIA-GERAL DA REPÚBLICA; MINISTÉRIO PÚBLICO DO TRABALHO. *et. al.* Carta Aberta Empresas pelos Direitos Humanos. Novembro de 2018. Disponível em: https://www.chesf.com.br/sustentabilidade/Documents/Carta_Aberta_Empresas_pelos_Direitos_Humanos.pdf.

In 2019, the Brazilian Executive Branch's Human Rights Office held the “First International Seminar on Business and Human Rights: Reflections and Contributions to a National Agenda,” with a public call for articles dealing with research on the impacts of business activity on human rights and the relevance of including the issue on the national agenda. At that time, the human rights agenda had been transferred to the office of the then National Secretariat for Global Protection of the Human Rights Office, where it remained for a year and a half before returning to the Department for the Protection and Defense of Human Rights. At the same time, the Portuguese translation of the United Nations Guiding Principles on Business and Human Rights was launched, with the collaboration of the Office of the United Nations High Commissioner for Human Rights (OHCHR/UN) and the Ministry of Foreign Affairs (MRE).²⁵

Considering the need for education on human rights and business, the Brazilian human rights portfolio developed and conducted several courses. In 2020, the course “Business and Human Rights” was developed by the National School of Public Administration (Enap) in partnership with the Ministry of Women, Family, and Human Rights (MMFDH), through the Virtual School of Government (EV.G) platform.²⁶

In 2021, the Department for the Protection and Defense of Human Rights, within the Ministry of Human Rights, participated in the VI Regional Forum on Business and Human Rights for Latin America and the Caribbean, highlighting its commitment to the development of a National Action Plan on Business and Human Rights for Brazil.²⁷

In the same year, representatives of the then MMFDH participated in a public hearing held by the Human Rights and Minorities Commission of the Chamber of Deputies, on the theme “RPU Observatory - Business and Human Rights.” During the hearing, the head of the National Secretariat for Global Protection mentioned that Decree

²⁵ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. MMFDH publica artigos acadêmicos sobre a temática de Empresas e Direitos Humanos. Gov.br. Publicado em 19 de dezembro de 2019. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2019/dezembro/mmfdh-publica-artigos-academicos-sobre-a-tematica-de-empresas-e-direitos-humanos>.

²⁶ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Curso Empresas e Direitos Humanos. Publicado em 02 de agosto de 2021. Gov.br. Atualizado em 05 de julho de 2023. Disponível em: <https://www.gov.br/mdh/pt-br/navegue-por-temas/direitos-humanos-e-empresas/cursos>.

²⁷ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Fórum internacional aborda relação entre empresas e direitos humanos. Gov.br. Publicado em 05 de outubro de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/outubro-rosa/forum-internacional-aborda-relacao-entre-empresas-e-direitos-humanos>.

No. 9,571/2018 had established the National Guidelines on Business and Human Rights, emphasizing that, in addition to the provisions of the decree, discussions were emerging on changes to incorporate new methodologies and opportunities to improve the policy on guaranteeing rights. Afterwards, the recommendations of the Universal Periodic Review were analyzed and the Ministry of Human Rights presented its initiatives aimed at protecting human rights in the business context.²⁸

In November 2021, the director of human rights protection and defense of the MMFDH participated in the “Mercosur-OECD Investment Seminar,” addressing the relevance of national guidelines on business and human rights.²⁹

In 2022, representatives of the then Ministry of Women, Family, and Human Rights met with members of the European Union Delegation in Brazil to discuss partnership activities on the human rights and business agenda.³⁰

Between 2018 and 2022, the MMFDH developed the National Take Responsibility Campaign, which aimed to promote the protection and respect for human rights in the business context.³¹ Through the campaign, the Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the National Guidelines on Business and Human Rights (Decree No. 9,571/2018) were disseminated. Thematic cards and posts were also produced and disseminated³² with contributions from the thematic secretariats of the Brazilian Executive Branch's Human

²⁸ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Proteção de direitos humanos no contexto corporativo é tema de audiência pública na Câmara. Gov.br. Publicado em 30 de abril de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/abril/protacao-de-direitos-humanos-no-contexto-corporativo-e-tema-de-audiencia-publica-na-camara>.

²⁹ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Seminário discute investimentos e respeito aos direitos humanos no âmbito do Mercosul. Gov.br. Publicado em 19 de novembro de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/novembro/seminario-discute-investimentos-com-respeito-aos-direitos-humanos-no-ambito-do-mercosul>.

³⁰ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Brasil e União Europeia lançam ciclo de diálogos sobre empresas e direitos humanos. Gov.br. Publicado em 20 de dezembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/dezembro/brasil-e-uniao-europeia-lancam-ciclo-de-dialogos-sobre-empresas-e-direitos-humanos>.

³¹ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. 1º Fórum Responsabilize-se debate a construção de política pública sobre direitos humanos e empresas. Gov.br. Publicado em 09 de março de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/marco/1o-forum-responsabilize-se-debate-a-construcao-de-politica-publica-sobre-direitos-humanos-e-empresas>.

³² MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Campanha Responsabilize-se 2021. Gov.br. Publicado em 04 de julho de 2023. Atualizado em 05 de julho de 2023. Disponível em: <https://www.gov.br/mdh/pt-br/navegue-por-temas/direitos-humanos-e-empresas/campanhas/campanha-responsabilize-se-2021>.

Rights Portfolio, the National Secretariat for the Family (SNF), the National Secretariat for Youth (SNJ), the National Secretariat for Women's Policies (SNPM), the National Secretariat for the Human Rights of Older Persons (SNDPI), Secretariat for Children and Adolescents (SNDCA), and National Secretariat for the Rights of Persons with Disabilities (SNDPD).³³

The National Take Responsibility Campaign also included the production of a video, with the participation of the thematic secretariats of the then Ministry of Women, Family, and Human Rights (MMFDH); the structuring of the online page Companies and Human Rights on the MMFDH Platform; and the holding of seven forums on the theme, namely: 1st National Forum Take Responsibility: “Reflections on the construction of a public policy on Human Rights and Companies”;³⁴ 2nd National Forum Take Responsibility: “Recognizing the roles, institutional arrangements, and governance frameworks on business and human rights in Brazil”;³⁵ 3rd National Forum Take Responsibility: “Business and Human Rights: Promotion and Protection of the Rights of Persons with Disabilities, Women, and Families”;³⁶ 4th National Forum Take Responsibility: “Human Rights of Older Persons, Children, Adolescents, and Youth in the Corporate Context”;³⁷ 5th National Forum Take Responsibility: “Racial Equity in the Corporate Environment and the Impacts of Business Activity on Peoples and

³³ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Evento reúne secretarias nacionais para discutir direitos humanos no ambiente corporativo. Gov.br. Publicado em 01 de julho de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/julho/evento-reune-secretarias-nacionais-para-discutir-direitos-humanos-no-ambiente-corporativo>.

³⁴ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. 1º Fórum Responsabilize-se debate a construção de política pública sobre direitos humanos e empresas. Gov.br. Publicado em 09 de março de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/marco/1o-forum-responsabilize-se-debate-a-construcao-de-politica-publica-sobre-direitos-humanos-e-empresas>.

³⁵ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Confira a programação do 2º Fórum Nacional Responsabilize-se nesta segunda-feira (19). Gov.br. Publicado em 16 de abril de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/abril/confira-a-programacao-do-2o-forum-nacional-responsabilize-se-nesta-segunda-feira-19>.

³⁶ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Empresas devem promover mais ações de direitos humanos. Gov.br. Publicado em 01 de junho de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/junho/empresas-devem-promover-mais-acoes-de-diretos-humanos>.

³⁷ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Princípios globais que incentivam os direitos humanos nas empresas completam 10 anos. Gov.br. Publicado em 16 de junho de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/junho/principios-globais-que-incentivam-os-direitos-humanos-nas-empresas-completam-10-anos>.

Communities”;³⁸ 6th National Forum Take Responsibility: “Due Diligence in Human Rights: the impact of business activity on women's lives”;³⁹ and the 7th National Forum Take Responsibility: “Challenges in Developing Practices to Protect and Respect Human Rights in State-Owned Companies”.⁴⁰

In 2021, the Human Rights Ministry attempted to amend Decree No. 9,571 of November 21, 2018, with the overall objective of including in the scope of the regulation the development of a National Action Plan on Business and Human Rights and the establishment of a Business and Human Rights Commission, of an advisory nature, with the task of supporting the process of drafting the National Action Plan on Business and Human Rights, with the appointment of strategic representatives to the collegiate body.⁴¹

To put an end to the voluntary approach to human rights by companies, on March 14, 2022, the first draft of the Human Rights and Business Framework Law, Bill No. 572/2022, was presented.⁴²

Bill No. 572/2022 was the result of years of work based on experiences of human rights violations by companies, dialogues with civil society, the production of Technical Note No. 7/2018, and the joint development of Resolution No. 05/2020 of the National Human Rights Council. This bill moves toward holding companies accountable for human rights violations, recognizing the obligations of the state and companies, and establishing measures for prevention, monitoring, and redress.

³⁸ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Fórum debate equidade racial e os impactos da atividade empresarial. Gov.br. Publicado em 23 de agosto de 2021. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/agosto/forum-debate-equidade-racial-e-os-impactos-da-atividade-empresarial>.

³⁹ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Fórum amplia debate sobre direitos da mulher em ambiente corporativo. Gov.br. Publicado em 15 de março de 2022. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/marco/forum-amplia-debate-sobre-direitos-da-mulher-em-ambiente-corporativo>.

⁴⁰ MINISTÉRIO DA MULHER DA FAMÍLIA E DOS DIREITOS HUMANOS. Fórum nacional destaca boas práticas em direitos humanos nas empresas estatais. Gov.br. Publicado em 09 de junho de 2022. Atualizado em 01 de novembro de 2022. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/junho/forum-nacional-destaca-boas-praticas-em-direitos-humanos-nas-empresas-estatais>.

⁴¹ CÂMARA DOS DEPUTADOS. DEPARTAMENTO DE TAQUIGRAFIA, REVISÃO E REDAÇÃO. 3ª Sessão Legislativa Ordinária da 56ª Legislatura. Comissão de Direitos Humanos e Minorias. Audiência Pública Extraordinária. 30 de abril de 2021.

⁴² CÂMARA DOS DEPUTADOS. PL 572/2022. Cria a lei marco nacional sobre Direitos Humanos e Empresas e estabelece diretrizes para a promoção de políticas públicas no tema. Disponível em: <https://www.camara.leg.br/propostas-legislativas/2317904>.

The justification for the drafting of Bill 572/2022 itself contains criticism of the inadequacy of Decree No. 9,571/2018:

The government, through the Ministry of Women, Family, and Human Rights, attempted to advance the establishment of a regulatory framework through Decree No. 9751/2018. However, the text contains a series of misunderstandings on the subject and is insufficient to fill the regulatory gaps. In addition, it lacks the necessary public participation in its formulation. For example, Oxfam Brazil states that the government decree on Business and Human Rights, Decree No. 9751/2018, ignored key issues such as the concept of complicity and due diligence contained in the UN Principles and other issues that, although not contained in the principles, are essential for the respect, protection, and promotion of human rights in the context of business activities, such as extraterritoriality; free, prior, and informed consent; and supply chain laws. Homa also analyzed the decree's weaknesses and how its construction does not meet the demands of civil society.⁴³

In October 2022, the Ministry of Human Rights and Citizenship organized the “Seminar on the National Framework Law on Human Rights and Business - PL 572/2022: a debate on progress in human rights and business.” The main purpose of the event was to express support for Bill 572/2022, currently being debated in the Brazilian Congress, and to discuss the protection, promotion, and defense of human rights in the corporate world.⁴⁴

With a view to engaging in dialogue with the government and enabling the progress of Bill 572/22, civil society also organized the seminar Human Rights and Business on March 16, 2023, at the end of which a booklet on Bill 572/22 was launched, addressing the architecture of impunity practiced by companies in Brazil and explaining the importance of the National Framework Law on Human Rights and Business.⁴⁵

⁴³ CÂMARA LEGISLATIVA. Projeto de Lei nº 572/2022. 14 de março de 2022. Disponível em: https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=2148124. p. 27.

⁴⁴ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Seminário do MDHC debate avanços na área de direitos humanos e empresas. Publicado em 05 de outubro de 2023. Gov.br. Atualizado em 10 de outubro de 2023. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2023/outubro/seminario-do-mdhc-debate-avancos-na-area-de-direitos-humanos-e-empresas>.

⁴⁵ AMIGOS DA TERRA. Encerramento do Seminário Direitos Humanos e Empresas conta com o lançamento de cartilha popular sobre o PL 572/22. Amigosdaterrabrasil.org. Publicado em 16 de março de

Based on the problems identified in relation to Decree No. 9,571/2018, in the last government term following the election of the president who took office in January 2023, a paradigm shift was decided upon, with the aim of overcoming a merely formal approach to the issue and seeking to effectively build a government program on human rights and business.

In March 2023, a first step was taken towards the formal institutionalization of the human rights and business agenda by the Brazilian state, when the then Minister of State for Human Rights and Citizenship established the General Coordination for Human Rights and Business, through Ordinance No. 162, of March 9, 2023 (DOU 03/13/2023, Edition 49, Section 1, Page 32), and the first General Coordinator of the agenda was subsequently appointed by Ordinance No. 188 of March 28, 2023 (DOU 03/29/2023, Edition 61, Section 2, Page 17). With this step, a pioneering area dedicated exclusively to the agenda was established.

Advancing the development of the National Policy on Human Rights and Business, on February 7, 2024, the Ministry of Human Rights and Citizenship (MDHC) established the Interministerial Working Group (GTI), led by the General Coordination Office for Human Rights and Business, composed of 17 representatives from the Executive Branch.⁴⁶

The group was created in November 2023 through Decree 11,772/2023, which revoked Decree No. 9,571/2018, with the mission of preparing studies and assessments on national and international legal frameworks related to business activity in order to subsequently propose measures aimed at regulating the actions of companies with regard to the promotion and defense of human rights; redress for human rights violations and their monitoring; and the implementation of corporate policies consistent with national and international regulatory guidelines.⁴⁷ The GTI's agenda will include regular meetings, hearings with experts and representatives of those affected, public consultations, and the

2023. Disponível em: <http://www.amigosdaterrabrasil.org.br/2023/03/16/encerramento-do-seminario-direitos-humanos-e-empresas-conta-com-o-lancamento-de-cartilha-popular-sobre-o-pl-572-22/>.

⁴⁶ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Poder Executivo avança na construção da Política Nacional de Direitos Humanos e Empresas. Gov.br. Publicado em 07 de fevereiro de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/fevereiro/poder-executivo-avanca-na-construcao-da-politica-nacional-de-direitos-humanos-e-empresas>.

⁴⁷ POLÍTICA Nacional de Direitos Humanos e Empresas. 14 de novembro de 2023. Disponível em: <https://gsga.com.br/politica-nacional-de-direitos-humanos-e-empresas/>.

presentation of assessments and technical reports that will guide the drafting of the final text to be proposed by the collegiate body.⁴⁸

Thus, the essential repeal of Decree 9.571/2018 took place in 2023, with the enactment of Decree 11.772/2023 and the creation of the Interministerial Working Group (GTI), advancing towards the construction of the National Policy on Human Rights and Business.

During the first meeting of the Interministerial Working Group (GTI) led by the General Coordination of Human Rights and Business of the Ministry of Human Rights and Citizenship (MDHC), the methodology set forth in Ordinance No. 132/2024 was announced the methodology, set out in Ordinance No. 132/2024, for experts, civil society organizations, and other social segments to participate in the development of this public policy, one of the priorities of the current MDHC administration.⁴⁹

The methodology is based on gathering input for the drafting of the national policy proposal and will take place in two phases: the preparation of studies based on national and international experiences in the protection of human rights in business activities and the proposal of measures and actions to implement the public policy.⁵⁰

It was announced that the National Human Rights Council would work together with the GTI to hold the hearings planned for the first phase of the national policy's development, as well as hearings with experts on the topic in the second phase.⁵¹

On March 19, 2024, the Interministerial Working Group (GTI) held its second regular meeting to hear experts on labor issues and discuss the main challenges related to the preservation and promotion of human rights for workers in the corporate environment. At the meeting, the collegiate body defined the first public hearing in partnership with the National Human Rights Council, with the theme “The rights of those affected by territorial conflicts and in the world of work,” to hear leaders of social movements, as

⁴⁸ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Poder Executivo avança na construção da Política Nacional de Direitos Humanos e Empresas. Gov.br. Publicado em 07 de fevereiro de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/fevereiro/poder-executivo-avanca-na-construcao-da-politica-nacional-de-direitos-humanos-e-empresas>.

⁴⁹ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. MDHC publica metodologia para promover participação social na elaboração de proposta da Política Nacional de Direitos Humanos e Empresas. Agência Gov. 14 de março de 2024. Disponível em: <https://agenciagov.ebc.com.br/noticias/202403/mdhc-publica-metodologia-para-promover-participacao-social-na-elaboracao-de-proposta-da-politica-nacional-de-direitos-humanos-e-empresas>.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

well as government officials, researchers, and experts in the field of human rights in companies on April 4, 2024.⁵²

On April 11, 2024, the Interministerial Working Group (GTI) on Human Rights and Business began the phase of hearing experts on the theme “National and international regulatory frameworks on human rights and business.” The idea was that the hearings would bring forth processes for the prevention and redress of violations, definitions of the obligations of the State and companies, and other topics for the collection of inputs for the GTI.⁵³ In April, two more hearings were held, with recommendations from experts on the obligations of the State and companies with regard to the human rights of those affected.⁵⁴ In May 2024, the fourth hearing was held on the theme “Mechanisms for the prevention and management of human rights risks in the business sector”⁵⁵ and the fifth hearing was held on the theme “Mechanisms for accountability and sanctions for human rights violations in the business sector”.⁵⁶ In June 2024, a hearing was held on the theme “Ecological Transition, Green Investment, and Climate Justice: the impacts of business activity on rights holders”.⁵⁷ In July 2024, the hearing focused on “The perspective of regulatory agencies and companies on a policy on human rights and business: the

⁵² MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Grupo de Trabalho Interministerial amplia processo de escuta e recebe sugestões para Política Nacional de Direitos Humanos e Empresas. Gov.br. Publicado em 21 de março de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/marco/grupo-de-trabalho-interministerial-amplia-processo-de-escuta-e-recebe-sugestoes-para-politica-nacional-de-direitos-humanos-e-empresas>.

⁵³ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Grupo de Trabalho Interministerial de Direitos Humanos e Empresas vai ouvir especialistas para criar nova política nacional. Gov.br. Publicado em 10 de abril de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/abril/grupo-de-trabalho-interministerial-de-direitos-humanos-e-empresas-vai-ouvir-especialistas-para-criar-nova-politica-nacional>.

⁵⁴ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Especialistas traçam panorama sobre obrigações públicas e privadas em direitos humanos e empresas. Gov.br. Publicado em 26 de abril de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/abril/especialistas-tracam-panorama-sobre-obrigacoes-publicas-e-privadas-em-direitos-humanos-e-empresas>.

⁵⁵ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Especialistas participam de mais duas oitavas, nesta semana, sobre a Política Nacional de Direitos Humanos e Empresas. Gov.br. Publicado em 21 de maio de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/maio/especialistas-participam-de-mais-duas-oitavas-nesta-semana-sobre-a-politica-nacional-de-direitos-humanos-e-empresas>.

⁵⁶ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Sociedade civil aponta caminhos para a construção da Política Nacional de Direitos Humanos e Empresas. Gov.br. Publicado em 27 de maio de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/maio/sociedade-civil-aponta-caminhos-para-a-construcao-da-politica-nacional-de-direitos-humanos-e-empresas>.

⁵⁷ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Governo ouve especialistas e avança na elaboração da Política Nacional de Direitos Humanos e Empresas. Gov.br. Publicado em 25 de junho de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/julho/governo-avanca-na-formulacao-da-politica-nacional-de-direitos-humanos-e-empresas-com-novas-contribuicoes-de-especialistas>.

extractive and energy sectors”.⁵⁸ The hearing phase was concluded after 11 hearings by the Interministerial Working Group (GTI) to draft the National Policy on Human Rights and Business (PNDHEMP), marking the beginning of the public consultation phase.⁵⁹

On July 29, 2024, the Ministry of Human Rights and Citizenship (MDHC) published the results of the self-managed events that presented contributions to the development of the National Policy on Human Rights and Business, making the seventeen documents available to the public.⁶⁰

More recently, in April 2025, during the Regional Forum on Business and Human Rights for Latin America and the Caribbean, promoted by the Law School of PUC-SP and held by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Minister of Human Rights and Citizenship reinforced the importance of preventive mechanisms that ensure accountability before tragedies occur. During the forum, concrete actions taken by the Brazilian State were highlighted, such as the creation of a specific area within the Ministry of Human Rights and Citizenship to address the relationship between human rights and business, as well as the establishment of an interministerial working group with civil society participation to develop the National Policy on Business and Human Rights.⁶¹

Therefore, as explained above, the human rights and business agenda has seen considerable progress in Brazil, taking into account the recommendations provided in the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises during its visit to Brazil in 2015. The Brazilian State has

⁵⁸ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Especialistas debatem setores extrativistas e energético para promoção de direitos humanos nas empresas. Gov.br. Publicado em 10 de julho de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/julho/especialistas-debatem-setores-extrativistas-e-energetico-para-promocao-de-direitos-humanos-nas-empresas>.

⁵⁹ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Grupo de Trabalho Interministerial sobre Direitos Humanos e Empresas encerra fase de oitivas com especialistas. Gov.br. Publicado em 18 de julho de 2024. Atualizado em 19 de julho de 2024. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/julho/grupo-de-trabalho-interministerial-sobre-direitos-humanos-e-empresas-encerra-fase-de-oitivas-com-especialistas>.

⁶⁰ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Conheça os relatórios com sugestões para Política Nacional de Direitos Humanos e Empresas após eventos autogeridos. Gov.br. Publicado em 29 de julho de 2025. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/julho/conheca-os-relatorios-com-sugestoes-para-politica-nacional-de-direitos-humanos-e-empresas-apos-eventos-autogeridos>.

⁶¹ MINISTÉRIO DOS DIREITOS HUMANOS E DA CIDADANIA. Ministra Macaé Evaristo destaca centralidade da vida e da dignidade humana durante fórum sobre empresas e direitos humanos. Gov.br. Publicado em 10 de abril de 2025. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2025/abril/ministra-macaeevaristo-destaca-centralidade-da-vida-e-da-dignidade-humana-durante-forum-sobre-empresas-e-direitos-humanos>.

engaged in greater dialogue with civil society in order to establish a framework for human rights and business, and has supported and initiated several projects on the theme of human rights and business.

II.V. Measures related to carbon credit projects

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested the Brazilian State to:

7. Provide details on the measures taken by your Government to ensure that carbon credit projects make a genuine contribution to global emissions reduction and do not have negative environmental and human rights impacts locally.

According to the official note from the National Foundation for Indigenous Peoples (Funai), published on April 1, 2024, since the beginning of 2022, Funai has been recording a significant increase in demands related to the sale of carbon credits from indigenous lands to private individuals, within the voluntary (private) carbon market. These include requests for clarification and guidance from indigenous communities and leaders in various locations across the country who have been approached by companies, law firms, civil society organizations, and other actors interested in developing “carbon projects,” more specifically Reducing Emissions from Deforestation and Degradation (REDD+) projects on indigenous lands; as well as requests for the Foundation's consent to contracts and projects, mainly through an arrangement involving the intermediation of REDD+ project developers.⁶²

FUNAI explains that the contracts and other legal instruments signed are forwarded for legal analysis by its Specialized Federal Prosecutor's Office (PFE-FUNAI). It highlights concerns and doubts about the potential harm of these contracts to indigenous heritage and rights guaranteed by the Federal Constitution, as well as the quality and fairness of the consultation processes carried out with the indigenous communities concerned, in addition to the lack of maturity of the national regulatory framework on the subject.

⁶² FUNDAÇÃO NACIONAL DOS POVOS INDÍGENAS. Posicionamento da Funai sobre créditos de carbono em terras indígenas. Gov.br. Publicado em 01 de abril de 2024. Atualizado em 07 de maio de 2024. Disponível em: <https://www.gov.br/funai/pt-br/assuntos/noticias/2024/posicionamento-da-funai-sobre-creditos-de-carbono-em-terras-indigenas>.

It was highlighted that the issue was being debated internally at Funai, together with PFE-Funai and the Department of Climate Justice of the Ministry of Indigenous Peoples (MPI). Similarly, coordination was being carried out with the Ministry of the Environment and Climate Change (MMA), particularly with regard to the reactivation of governance, participation, and social control bodies.

In the area of climate and indigenous policy, Funai reported the resumption of fundamental governance bodies to address the issue of the carbon market on indigenous lands, which had been discontinued in recent years. Among these, it highlighted the Management Committee for the National Policy on Territorial and Environmental Management of Indigenous Lands (CG-PNGATI), which has a Technical Chamber on Climate Change, Payment for Environmental Services, and Socio-bioeconomics; and the National Commission for REDD+ (CONAREDD+), which is responsible for coordinating, monitoring, and reviewing Brazil's National Strategy for REDD+ and has technical working groups (GTTs) that will address issues such as safeguards and benefit sharing.

FUNAI reinforced that its role in the regulatory process values broad and effective discussion with indigenous peoples, so that regulations on how carbon credits from indigenous lands would be carried out in the scope of private projects should undergo a broad consultation process with the appropriate governance bodies.

Similarly, at a meeting with indigenous leaders in July 2024, FUNAI reinforced its position on the carbon market, advising indigenous organizations and leaders not to participate in negotiations and discussions involving the sale of carbon credits on indigenous lands, suggesting that no contracts be signed until criteria and guidelines for the inclusion of indigenous lands in the voluntary carbon market had been defined.⁶³

In November 2024, FUNAI published a new note, after COP29, highlighting that in Brazil the carbon market was not yet regulated and recalling that any sustainable development model must respect the autonomy of indigenous peoples and be implemented in accordance with the right to free, prior, and informed consultation, as provided for in ILO Convention 169. It was emphasized that indigenous peoples are

⁶³ FUNDAÇÃO NACIONAL DOS POVOS INDÍGENAS. Gov.br. Publicado em 04 de julho de 2024. Disponível em: <https://www.gov.br/funai/pt-br/assuntos/noticias/2024/funai-defende-autonomia-produtiva-e-respeito-a-diversidade-dos-305-povos-indigenas-do-pais>.

natural protectors and guardians of forests and biodiversity and make an incalculable In the note, FUNAI also reinforced that indigenous communities have, over the years, requested effective actions to address invasions and illegal activities in their territories, which compromise their security and environmental preservation. In this sense, FUNAI remains committed to defending the rights of indigenous peoples and ensuring that their voices and sustainable practices are recognized in the context of public policies.

On December 11, 2024, Law No. 15,042/2024 was enacted, establishing the Brazilian Greenhouse Gas Emissions Trading System (SBCE) and amending Laws No. 12,187 of December 29, 2009, 12,651, of May 25, 2012 (Forest Code), 6,385, of December 7, 1976 (Securities Commission Law), and 6,015, of December 31, 1973 (Public Records Law).

Law No. 15,042/2024 establishes the basis for the creation of a regulated carbon market in Brazil. The new legislation allows polluting gas emissions to be converted into tradable financial assets, which attracts international investment, promotes environmental preservation, and generates new income opportunities for Brazilians. Brazil thus joins the group of countries that have a regulated carbon pricing system, strengthening its position in the global fight against climate change. In addition to international recognition, the new law creates legal certainty and encourages private sector participation in the decarbonization agenda, one of the commitments made by the country in its Nationally Determined Contribution (NDC) - a Brazilian government document that records Brazil's main commitments and contributions under the Paris Agreement.⁶⁴

The regulated carbon market sets GHG targets for economic activities covered by the law. Companies that do not meet their emission reduction targets will be able to purchase emission permits, known as Brazilian Emission Credits (CBEs), from companies that are below the limit. This mechanism creates a system for buying and selling these quotas, acting as a financial incentive for industries to adopt cleaner and more efficient production practices. As a result, companies that invest in low-carbon

⁶⁴ MINISTÉRIO DA FAZENDA. Sancionada a lei que estabelece as bases para um mercado regulado de carbono no Brasil. Gov.br. Publicado em 12 de dezembro de 2024. Disponível em: <https://www.gov.br/fazenda/pt-br/assuntos/noticias/2024/dezembro/Sancionada-a-lei-que-estabelece-as-bases-para-um-mercado-regulado-de-carbono-no-Brasil>.

technologies can gain competitive advantages, while those that do not adapt will be subject to additional costs.⁶⁵

The logic of the carbon market is based on the cap-and-trade concept. The government sets the total ceiling for emissions allowed for the country and distributes or auctions CBEs to companies, which can use them to offset their emissions or trade them on the market. This mechanism differs from the voluntary market, in which participation is not mandatory. With the regulation, Brazil now has a mandatory and supervised system. This means that the government will be able to impose sanctions on companies that do not comply with the established rules.⁶⁶

The implementation of the Brazilian Greenhouse Gas Emission Trading System (SBCE) will be gradual and divided into five main phases. The most important objective is to ensure predictability and legal certainty for regulated companies, as well as to attract international investment and position Brazil as a leader in the global carbon market. This controlled transition seeks to avoid sudden impacts on the economy, while offering companies the opportunity to gradually adapt to the new rules.⁶⁷

- Phase 1 (12 to 24 months): initial regulation, creation of the managing body, and definition of the sectors to be regulated. At this stage, the operational details of the system and the legal basis for the functioning of the market will be defined.
- Phase 2 (12 months): operationalization of the emissions monitoring, reporting, and verification (MRV) system. Companies will have to report their emissions in a standardized manner, creating a database that will enable market oversight.
- Phase 3 (24 months): start of the obligation to submit emissions reports and monitoring plans, which will provide the data needed for the first National Allocation Plan (PNA).
- Phase 4: start of the first cycle of CBE allocation and start of the first auctions. The NAP will be published, setting out the rules for quota distribution and the initial volume available to the market. In this phase, the first CBEs will begin to be issued and traded, with the participation of regulated companies.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

- Phase 5: full implementation of the market, with the first auction of CBEs and the start of the secondary market, which will allow trading between companies

On December 9, 2024, the Secretariat for Indigenous Environmental and Territorial Management (SEGATI) of the Ministry of Indigenous Peoples (MPI), through the Department of Climate Justice (DEJUC), promoted the first day of the 2nd Seminar on Climate Justice for the Protection of the Rights and Sovereignty of Indigenous Peoples. The event focused on evidence of climate extremes in indigenous territories; the increased frequency of climate risks; and climate data and information management. Discussions included forms of financing, carbon credits, REDD+, among other topics.⁶⁸

On March 11, 2025, the Ministry of the Environment and Climate Change (MMA) and the National Bank for Economic and Social Development (BNDES) announced the opening of a public consultation on the carbon certification scenario in Brazil. It was highlighted that, in addition to the existing demand for carbon credits in the voluntary market, with the approval of Law 15,042/2024, which created the Brazilian Emissions Trading System (SBCE), the methodologies for validating Verified Emission Reduction or Removal Certificates (CRVE) must be accredited and registered under the System. The credibility of certification is necessary for carbon credits to be accepted by buyers, especially with regard to the integrity of projects. In addition to preventing market concentration from creating challenges in meeting future demand, which tends to grow as new regulated markets are created and Article 6.4 of the Paris Agreement begins to operate.⁶⁹

The Brazilian Forest Service (SFB) participated in the public consultation and highlighted that forest concessions have proven to be an important strategy for generating carbon credits in Brazil. An example of this is the Bom Futuro National Forest (Flona) public notice, launched in September 2024. The notice includes the recovery of degraded areas and provides for the sale of carbon credits as part of the sustainable management

⁶⁸ MINISTÉRIO DOS POVOS INDÍGENAS. Seminário sobre Justiça Climática reúne lideranças indígenas para discutir enfrentamento às mudanças climáticas. Gov.br. Publicado em 18 de dezembro de 2024. Disponível em: <https://www.gov.br/povosindigenas/pt-br/assuntos/noticias/2024/12-1/seminario-sobre-justica-climatica-reune-liderancas-indigenas-para-discutir-enfrentamento-as-mudancas-climaticas>.

⁶⁹ MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA DO CLIMA. MMA e BNDES abrem consulta pública sobre o mercado de certificação de carbono no país. Gov.br. Publicado em 11 de março de 2025. Disponível em: <https://www.gov.br/mma/pt-br/noticias/mma-e-bndes-abrem-consulta-publica-sobre-o-mercado-de-certificacao-de-carbono-no-pais>.

process for the area. The Bom Futuro National Forest project will be a model for ecosystem restoration, aligning environmental preservation with the generation of financial resources for sustainable forest management. In addition, the public notice adds to the efforts of the Brazilian Forest Service to integrate carbon credits into policies for the conservation and sustainable management of public forests.⁷⁰

In January 2025, the National Commission for REDD+ (CONAREDD+) held a meeting of the Technical Working Group on Safeguards (GTT Salvaguardas) to discuss and approve guidelines for the implementation of jurisdictional REDD+ programs and private forest carbon credit projects on public lands occupied by indigenous peoples, traditional communities, and family farmers settled under the Agrarian Reform. During the meeting, proposals were analyzed to guarantee the autonomy and leadership of communities in REDD+ initiatives and respect for the rights established in the territories. Among the highlights is the discussion of the “Guidelines for the Implementation of Jurisdictional REDD+ Programs and Carbon Credit Projects.” This mechanism ensures that decisions on carbon projects are made with the active and informed participation of communities, respecting their agreed protocols and rules.⁷¹

The GTT-Safeguards was established by CONAREDD+ Resolution No. 14/2023 and is responsible for defining guidelines for compliance with REDD+ safeguards in Brazil, as well as guidelines and rules for REDD+ initiatives on public lands and territories of indigenous peoples and traditional communities. The GTT is composed of government agencies, civil society, the private sector, and representatives of indigenous peoples and traditional communities, such as COIAB, APIB, CNS, CONAQ, CONTAG, and CNPCT. The National Commission for REDD+, established by Decree No. 11,548 of June 5, 2023, is responsible for implementing and monitoring actions related to the National Strategy for REDD+ in Brazil, with a focus on reducing greenhouse gas

⁷⁰ SERVIÇO FLORESTAL BRASILEIRO. Serviço Florestal Brasileiro reforça importância da regulação do mercado de carbono. Gov.br. Disponível em: <https://www.gov.br/florestal/pt-br/assuntos/noticias/2025/marco/servico-florestal-brasileiro-reforca-importancia-da-regulacao-do-mercado-de-carbono>.

⁷¹ MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA DO CLIMA. GTT Salvaguardas debate diretrizes referentes a programas jurisdicionais e projetos de carbono florestal. Gov.br. Publicado em 28 de janeiro de 2025. Disponível em: <https://www.gov.br/mma/pt-br/composicao/secd/redd/central-de-conteudos/noticias/gtt-salvaguardas-debate-diretrizes-referentes-a-programas-jurisdicionais-e-projetos-de-carbono-florestal>.

emissions from deforestation and forest degradation, ensuring socio-environmental safeguards.⁷²

Also at the January 2025 meeting, the TWG members reached a consensus on fundamental guidelines for the group's functioning, including the need for active participation by the communities involved, respect for their protocols and rules, and the creation of means to ensure transparency and governance in REDD+ projects. Among other points, it was agreed that these groups are legitimate parties to propose participation in these programs and projects, which should not impose restrictions on the traditional use of territories and natural resources, guaranteeing rights such as hunting, fishing, and subsistence agriculture.

In March 2025, another meeting of the GTT Safeguards took place, continuing the discussion and definition of Guidelines for the Implementation of REDD+ Jurisdictional Programs and Forest Carbon Credit Projects, to strengthen the autonomy and leadership of local communities. At this meeting, the group discussed outstanding issues, such as ensuring free, prior, and informed consultation processes with impacted communities, guidelines on ombudsmen dealing with REDD+, and other issues related to the implementation of socio-environmental safeguards. In practice, these mechanisms ensure that decisions on projects in this segment are made with the active and informed participation of communities, respecting their agreed protocols and rules. In the case of private forest carbon projects, financial agreements are established between those who reduce deforestation and/or restore native vegetation in their area (e.g., indigenous peoples, quilombolas, traditional peoples and communities, family farmers, landowners working for conservation) and an organization that purchases forest carbon credits. In the case of jurisdictional REDD+ programs, this funding is provided by governments and the distribution of benefits to the territories in the form of public policies must be agreed upon with society. For credits to be certified, various protocols and steps must be followed, including carbon stock accounting methods, leakage and permanence analysis, compliance with social and environmental safeguards, and continuous monitoring.⁷³

⁷² Ibid.

⁷³ MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA D CLIMA. 4ª reunião do GTT Salvaguardas reforça protagonismo das comunidades na gestão de seus territórios. Gov.br. Publicado em 04 de abril de 2025. Disponível em: <https://www.gov.br/mma/pt-br/4a-reuniao-do-gtt-salvaguardas-reforca-protagonismo-das-comunidades-na-gestao-de-seus-territorios>.

In early May 2025, the GTT on Safeguards finalized the discussion of draft guidelines for the implementation of jurisdictional REDD+ programs, public projects, and private forest carbon credit projects on public lands occupied by indigenous peoples, quilombola communities, traditional peoples and communities, and family farmers settled under the Agrarian Reform. The document represents progress in establishing socio-environmental safeguards and guidelines to ensure respect for the territorial rights, traditional ways of life, and autonomy of these peoples and communities, in line with national legislation and international commitments made by Brazil. The proposal already takes into account Law No. 15,042/2024, which establishes the basis for a regulated carbon market in Brazil, allowing the trading of carbon credits.⁷⁴ Among the points agreed upon, the following stand out:

- the mandatory Free, Prior, and Informed Consultation (FPIC), based on specific protocols, respecting the right of peoples to self-determination;
- the guarantee that programs and projects do not impose restrictions on access to and use of territories, ensuring the right to hunting, fishing, subsistence agriculture, and other traditional and sustainable practices;
- the need for independent technical and legal advice, funded by resources provided for in the project, so that communities can make informed decisions;
- a commitment to transparency and social control, requiring accessible language in the dissemination of results and contracts;
- the inclusion of women, young people, and the elderly in the management, decision-making, and implementation of projects.

On May 28, 2025, the National Commission for REDD+ (CONAREDD+) approved a resolution establishing guidelines for the implementation of jurisdictional REDD+ programs and public and private forest carbon credit projects on public lands and collective territories. The resolution seeks to ensure that no project or program can restrict the traditional use of land and natural resources. It therefore requires free, prior, and informed consultations that guarantee transparency, access to information, and the hiring

⁷⁴ MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA DO CLIMA. GTT Salvaguardas conclui proposta de diretrizes para implementação de programas de REDD+. Gov.br. Publicado em 12 de maio de 2025. Disponível em: <https://www.gov.br/mma/pt-br/noticias/gtt-salvaguardas-conclui-proposta-de-diretrizes-para-implementacao-de-programas-de-redd>.

of independent technical and legal advisors, in addition to protecting communities from financial and operational risks, promoting their autonomy, and ensuring the participation of women, youth, and the elderly in decision-making processes. The approval of the resolution represents an important advance in Brazilian environmental governance, ensuring that REDD+ mechanisms are implemented with legal certainty, respect for socio-environmental safeguards, and strengthening the autonomy of communities that have historically protected forests.⁷⁵

II.VI. Measures to protect indigenous peoples

The Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights (EACDH) requested that the Brazilian State:

8. Provide information on any measures taken by your Government to ensure that indigenous peoples affected in your territory and/or jurisdiction have access to effective, adequate, and timely remedies, as well as compensation for human rights abuses related to the businesses mentioned above.

On this issue, it should be noted that the National Indigenous Peoples Foundation (Funai), the Brazilian government's official indigenous affairs agency, created by Law No. 5,371 of December 5, 1967, currently linked to the Ministry of Indigenous Peoples (MPI), is the coordinator and main executor of the federal government's indigenous policy. Its institutional mission is to protect and promote the rights of indigenous peoples in Brazil.⁷⁶

Funai is responsible for promoting studies to identify and delimit, demarcate, regularize land tenure, and register lands traditionally occupied by indigenous peoples, as

⁷⁵ MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA DO CLIMA. Comissão Nacional para a REDD+ aprova diretrizes para programas em terras públicas e territórios coletivos. Gov.br. Publicado em 30 de maio de 2025. Disponível em: <https://www.gov.br/mma/pt-br/noticias/comissao-nacional-para-a-redd-aprova-diretrizes-para-programas-em-terras-publicas-e-territorios-coletivos>.

⁷⁶ FUNDAÇÃO NACIONAL DOS POVOS INDÍGENAS. Gov.br. Disponível em: <https://www.gov.br/funai/pt-br/acao-a-informacao/institucional/Institucional>.

well as monitoring and inspecting indigenous lands. Funai also coordinates and implements policies to protect isolated and recently contacted peoples.

It is also its role to promote policies aimed at the sustainable development of indigenous populations. In this field, Funai promotes ethnodevelopment, conservation, and environmental recovery actions on indigenous lands, in addition to controlling and mitigating possible environmental impacts resulting from external interference on indigenous lands.

In addition to various actions historically in dialogue with indigenous peoples aimed at protecting their rights, since the beginning of Funai's new administration in 2023, the indigenous agency has had as a principle to conduct indigenous policy with indigenous peoples and for indigenous peoples, with the majority of Regional Coordinations led by indigenous people.⁷⁷

On May 28, 2025, Funai received the regional representative of the Regional Office for South America of the United Nations High Commissioner for Human Rights (OHCHR), and provided an overview of the measures adopted for the reconstruction of indigenous policy since 2023, as well as the advances and challenges of management during the period, mentioning the validity of Law 14.701/2023 (Temporary Framework Law) as an obstacle to Funai's work.⁷⁸

With regard to compensation for collective damages caused by businesses, the New Rio Doce Agreement for indigenous peoples stands out as an example. In April 2025, the Interministerial Caravan, coordinated by the General Secretariat of the Presidency of the Republic (SG-PR), and accompanied by the Ministry of Indigenous Peoples and representatives from various federal government departments, sent a team to the territories in Minas Gerais and Espírito Santo to discuss with the indigenous peoples the details of the agreement, worth R\$8 billion, aimed at repairing collective damage to

⁷⁷ FUNDAÇÃO NACIONAL DOS POVOS INDÍGENAS. Funai dialoga com coordenadores regionais e das Frentes de Proteção para aprimorar política indigenista no Brasil. Gov.br. Publicado em 09 de novembro de 2024. Disponível em: <https://www.gov.br/funai/pt-br/assuntos/noticias/2024/funai-dialoga-com-coordenadores-regionais-e-das-frentes-de-protecao-para-aprimorar-politica-indigenista-no-brasil>.

⁷⁸ FUNDAÇÃO NACIONAL DOS POVOS INDÍGENAS. Funai relata ameaça a direitos indígenas ao Alto Comissariado das Nações Unidas para os Direitos Humanos. Gov.br. Publicado em 30 de maio de 2025. Disponível em: <https://www.gov.br/funai/pt-br/assuntos/noticias/2025/funai-relata-ameaca-a-direitos-indigenas-ao-alto-comissariado-das-nacoes-unidas-para-os-direitos-humanos>.

indigenous peoples, quilombolas, and traditional peoples caused by the collapse of the Fundão Dam in 2015.⁷⁹

Finally, with regard to the specific case of the Ka'apor Indigenous Community, FUNAI has taken the lead in protecting the rights of this indigenous people, as detailed in previous sections of this report.

III - CONSIDERAÇÕES FINAIS

The Brazilian State takes this opportunity to reaffirm its commitment to the defense of human rights and reiterate its high esteem and consideration for the United Nations.

⁷⁹ SECRETARIA DE COMUNICAÇÃO SOCIAL. MPI detalha ações de reparação do Novo Acordo do Rio Doce para povos indígenas. Gov.br. Publicado em 04 de abril de 2025. Disponível em: <https://www.gov.br/secom/pt-br/assuntos/noticias/2025/04/mpi-detalha-acoes-de-reparacao-do-novo-acordo-do-rio-doce-para-povos-indigenas>.