

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
BRA 3/2013

26 June 2013

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **alleged excessive use of police force against peaceful demonstrators protesting in major Brazilian cities against police brutality, social inequality and deficient public services, including the increase of public transportation prices, and against journalists participating in the demonstrations as well as covering the protests.**

According to the information received:

Since 10 June 2013, a series of large demonstrations, the largest in Brazil in 20 years, have been taking place in major Brazilian cities, including Rio de Janeiro and São Paulo, most of them in a peaceful manner. Demonstrators initially protested against rising public transportation fees, which went into effect on 1 June 2013. Protestors have now been calling for better public services and an end to alleged corruption, as well as demanding police to stop the excessive use of force and asking the authorities to address alleged social inequalities. Protesters have also been raising concerns about the on-going preparations for next year's World Cup that Brazil will host and the impact of such preparations on local communities.

It is reported that the riot police have fired rubber bullets and tear gas in an arbitrary and violent manner at demonstrators and journalists covering the demonstrations in various cities, including in São Paulo, Rio de Janeiro, Porto Alegre, Salvador de Bahia, Recife and Belo Horizonte. As a consequence, many protestors and journalists have been injured. The police have also reportedly thrown tear gas bombs to individuals in restaurants and other private premises. National and local authorities announced the investigation into the alleged excessive use of violence by law enforcement authorities, but results or further information have reportedly not been made public yet.

It is further reported that a large number of peaceful protestors have been arrested and detained during the protests. Some had also been detained prior to their participation in these protests for inquiry purposes. It is reported that the detained protesters have now been released, but may face prosecutions in the near future. According to reports, law enforcement officials have accused protesters of "incitement to crime, qualified damage and illegal association."

While noting that some protestors acted in a violent manner, grave concerns are expressed with regard to the excessive use of police force against, and the detention of, peaceful protestors. Further concerns are expressed that journalists reporting on the protests are at serious risk.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Similarly, we would like to refer to article 21 of the ICCPR, which provides that "[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights,

and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

We would further like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration:

- article 5 point a) which establishes that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels, to meet or assemble peacefully;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence

perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the protesters in compliance with the above international instruments.

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details on how the actions undertaken by public officials are compatible with the international human rights norms and standards pertaining to the rights to freedom of opinion and expression, and to freedom of peaceful assembly.
3. Please provide the full details of the legal basis for the use of force during the peaceful demonstrations that have been taking place since 10 June 2013.
4. Please provide detailed information concerning the legal grounds for the arrest and detention of peaceful protestors, and explain how these grounds are compatible with the abovementioned international human rights norms and standards.
5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to the alleged cases of excessive use of force. If no inquiries have taken place, or if they have been inconclusive, please explain why.
6. Please provide the full details of any prosecutions which have been undertaken in relation to the alleged excessive use of force, as well as the detention of peaceful protestors. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
7. Please indicate whether complaints have been lodged by or on behalf the victims and whether compensation has been provided to the victims or their families.
8. Please indicate what measures have been taken to ensure that the legitimate right to assemble peacefully and the related right to freedom of expression is respected and that the physical and psychological integrity of those exercising this right is guaranteed. In this connection, what measures will be taken to ensure that law

enforcement authorities will no longer resort to excessive use of force and arbitrary detentions, in particular against journalists?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of  
association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders