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Visit to Brazil

Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor*

Summary

In the present report on her visit to Brazil, from 8 to 19 April 2024, the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, assesses the situation of those protecting and promoting human rights in the country. She highlights positive action being taken by the authorities, as well as areas of serious concern, and makes recommendations to the authorities.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.

Annex

Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, on her visit to Brazil

I. Introduction

1. Pursuant to Human Rights Council resolution 52/4, the Special Rapporteur on the situation of human rights, Mary Lawlor, conducted an official visit to Brazil from 8 to 19 April 2024. The purpose of the visit was to assess the situation for human rights defenders in the country, in the context of the State's obligations under international human rights law.

2. Over the course of her visit, the Special Rapporteur met a wide range of actors. In Brasilia, she spoke with officials from the federal Government, including the Minister for Human Rights and Citizenship and the Minister for Women, as well as representatives of the Ministries of Foreign Affairs, the Environment and Climate Change, Indigenous Peoples, Justice and Public Security, Racial Equality, and Agrarian Development and Family Farming. She also spoke with representatives of the Office of the Federal Public Prosecutor, the Office of the Federal Public Defender and the National Council of Justice.

3. The Special Rapporteur also travelled to Bahia, Pará, Sao Paulo and Mato Grosso do Sul: four states, among many in Brazil, in which human rights defenders are facing particularly serious challenges. She met state authorities in Pará and Sao Paulo, and received input from the authorities in Bahia. She thanks all the authorities who engaged with her and helped make her visit possible.

4. During the visit, the Special Rapporteur met approximately 130 human rights defenders, including Indigenous defenders, Quilombola defenders, defenders from riverine and other traditional communities, LGBT+ defenders, black women human rights defenders, defenders of rural workers' rights, journalists and cultural and climate activists. Many of them welcomed her into their communities, while others travelled long distances to speak with her. The risks they took in doing so were clear and urgent. She wishes to emphatically thank all of those who spoke with her, and those who provided information in advance of her visit. She sends them her full solidarity and support.

II. International, national and regional legal and institutional framework

5. Brazil is party to almost all major international human rights instruments, with the exception of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[1] Many human rights are protected in the country's Constitution of 1988, which also provides strong protections for Indigenous, Quilombola and other traditional peoples. The State is a party to 8 of the 10 fundamental conventions of the International Labour Organization (ILO), as well as the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[2]

6. 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 (the Declaration on Human Rights Defenders), the General Assembly reaffirmed what had been set forth in the core human rights treaties, namely that the primary duty to protect and fulfil human rights rested with States. However, in the Declaration on Human Rights Defenders, the General Assembly extrapolated from that duty a State obligation to guarantee the right of all people to promote and to strive for the protection and realization of

[1] See https://indicators.ohchr.org.

[2] See https://normlex.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102571.

human rights, and outlined how they must be able to count on the protection of the State while doing so.[3] The Declaration on Human Rights Defenders is the cornerstone of the Special Rapporteur's work and the extent to which its provisions are guaranteed is the key evaluation made in any country visit by the mandate holder. Brazil, like all States, must put in place the conditions for the safe exercise of the right to defend rights.

7. Brazil began a three-year term on the Human Rights Council in October 2023. In proposing its candidacy, the State made several commitments concerning human rights defenders. Those included a commitment to strengthen the national mechanism for the protection of human rights defenders by reinstating its deliberative councils; to promote the establishment of a national policy on human rights defenders; to monitor the situation of Indigenous, Quilombola and environmental defenders; and to host a visit of the Special Rapporteur.[4] The State also made extensive pledges in relation to women's rights, Indigenous Peoples' rights, business and human rights and the environment, all of which are relevant to the situation of human rights defenders in the country.

8. Brazil was last reviewed under the universal periodic review in 2022. It received 29 recommendations related to human rights defenders, including independent journalists and civil society. All of those recommendations were supported by the State. The recommendations included: the ratification of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement); consideration of a law on human rights defenders and strengthening the national framework for their protection; support for specific groups of human rights defenders at risk, such as LGBT+ defenders, women human rights defenders and environmental defenders; and tackling impunity. Brazil also received relevant recommendations on land reform, the protection of the rights of Indigenous and Quilombola communities, and business and human rights. All of those issues were raised by human rights defenders and the authorities during the Special Rapporteur's visit. While some work has been done to see them implemented, most remain unfulfilled or in need of greater prioritization.

9. Brazil is a member of the Organization of American States, and a party to important regional treaties of relevance to human rights defenders, in particular the American Convention on Human Rights. The Inter-American Court of Human Rights has jurisdiction concerning violations of the provisions of that Convention in the country and has issued several important judgments concerning the situation of human rights defenders in Brazil.[5] The Inter-American Commission on Human Rights can also issue binding precautionary measures to protect persons in situations in which they are at risk of suffering irreparable harm. Since 2010, the Commission has ordered measures in 29 cases in Brazil. Of those, 15 involved human rights defenders at risk, primarily Indigenous defenders, Quilombola defenders, women human rights defenders and defenders from the LGBT+ community. The majority of those cases were connected to violations of rights linked to land.[6]

10. There appears to be a willingness from the federal Government to implement decisions of the Inter-American Court of Human Rights, as well as measures ordered by the Inter-American Commission on Human Rights, with some high-profile cases seeming to be prioritized. A joint working group was set up at the initiative of the federal Government to ensure the implementation of measures ordered in relation to members of the Union of Indigenous Peoples of Vale do Javari (Javari Valley) following the murder of Bruno Araújo Pereira and Dom Philips in 2022.[7] While that is an encouraging example, Brazil has an obligation to comply in full with all rulings of the Court and each measure ordered by the

[3] Arts. 1, 2, 9 and 12.

[4] A/78/274, para. 32.

[5] Inter-American Court of Human Rights, *Tavares Pereira et al. v. Brazil*, Series C No. 507, Judgment, 16 November 2023 (in Spanish); *Sales Pimenta v. Brazil*, Series C No. 454, Judgment, 30 June 2022; *Escher et al. v. Brazil*, Series C No. 200, Judgment, 6 July 2009; and *Nogueira de Carvalho et al. v. Brazil*, Series C No. 161, Judgment, 28 November 2006.

[6] See https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/110.asp.

[7] See https://www.oas.org/en/iachr/decisions/mc/2022/res_59-22_mc_449-22_en.pdf and https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/179.asp.

Commission. Historically, that duty has been disregarded by the Brazilian authorities and, despite action in some cases under the current Government, it remains far from being fulfilled.

III. Situation of human rights defenders

A. Gravity of attacks and level of risk, today and historically

11. Throughout her visit, the Special Rapporteur heard human rights defenders describe their work, lives and hopes. They are active across the country, with whole communities united in efforts to see the fulfilment of human rights made possible; they have a vision for how Brazil could be: a country of dignity, solidarity and respect for people and nature. They also have models for how that vision could be realized and are putting them into practice.

12. However, in seeking to build a more just country, human rights defenders challenge structures of power that impose, reinforce and defend the injustice that currently pervades Brazilian society. Brazil is a country in which the six richest men command the same wealth as the poorest 50 per cent of the population;[8] and thousands of people, primarily young, black, working-class men, are killed by police each year.[9]

13. Human rights defenders have been struggling for progressive change for decades. Often, they have been active on multiple fronts, as injustice and facets of inequality interlink. Black women are fighting sexism and racism, while also combating climate change. Rural workers are simultaneously struggling for equitable access to land and the rights of the LGBT+ community. There are many other examples.

14. Such work is perceived as a threat by those who would stand to see their privileges diminished by the defenders' victories: by those who see material benefit from injustice and inequality.

15. In situations in which that is combined with weak rule of law, the absence of the State and corruption, which join to create the conditions for impunity, human rights defenders are at severe risk. Those factors are present and prone to combine in Brazil.

16. The risks for human rights defenders in the country were aggravated by the anti-rights agenda of the Administration of Jair Bolsonaro, yet the problems run far deeper than the programme of any one set of politicians.

17. Many of the attacks are brutal. Killings are common and it is clear that many human rights defenders fear for their lives.

18. During her visit, the Special Rapporteur heard repeatedly from human rights defenders who had survived assassination attempts, who had been shot or seen their houses surrounded and had death threats delivered to their door. Often human rights defenders spoke about their own situation only briefly, focusing instead on the fatal attacks suffered by relatives, friends and comrades.

19. Their testimonies regarding the severity of the situation are backed up. In research carried out on attacks against human rights defenders in Brazil between 2019 and 2022, Terra de Direitos and Justiça Global showed that 169 human rights defenders had been killed over just those few years and 579 had received threats as a result of their work.[10] At least 24 defenders were killed in the country in 2023, according to Front Line Defenders.[11] From the testimonies gathered by the Special Rapporteur during her visit and the information that she has received since, it is clear that the attacks are continuing.

20. In many of the Special Rapporteur's meetings, human rights defenders recalled killings from previous years.

[8] See https://www.oxfam.org/en/brazil-extreme-inequality-numbers.

[9] See https://www.hrw.org/news/2023/12/15/un-experts-call-brazil-end-brutal-police-violence.

[10] See https://terradedireitos.org.br/uploads/arquivos/on-the-frontline-en-web.pdf.

[11] See https://www.frontlinedefenders.org/sites/default/files/1578_fld_ga23_online_u03.pdf.

21. A Quilombola defender from Mina Gerais, who had been denouncing the damage of eucalyptus monocultures in the state, described how his community's land had been grabbed during the military dictatorship. Common farmland had disappeared, he said, and the parcels community members used to work had been made smaller and smaller, forcing people into hunger. Back then, those who spoke up were killed or disappeared. But the reality is that the risks people faced then are the same he and other human rights defenders face today, as they continue their struggle for the rights that their relatives saw denied to them decades ago.

22. Human rights defenders in Brazil make a clear link between the attacks in the present day and those that happened throughout much of the country's history. The Special Rapporteur agrees with their assessment. The situation encountered during her visit is strikingly similar to that described in the report of the first Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani, who visited Brazil in 2005. In her report ("the Jilani report"), Ms. Jilani denounced the numerous accounts of assassinations and threats against human rights defenders that she had been informed of, as well as the impunity accompanying them.[12] However, while the situation was drastic then, the killings, threats and attacks vastly predate her visit.

23. In July 1982, a human rights defender and lawyer for rural workers, Gabriel Sales Pimenta, was murdered in the State of Pará. When called upon to rule on the State's responsibility for impunity in the case, the Inter-American Court of Human Rights discussed the legacy of such attacks in modern Brazil, citing the murder of 463 leaders of collective struggles, 75 trade unionists, 14 lawyers and 7 religious figures in the country between 1961 and 1988.[13] Those statistics are almost certainly a significant underestimate.

B. Risks for specific groups of human rights defenders

1. Human rights defenders engaged in struggles for land: Indigenous defenders, Quilombola defenders, human rights defenders from other traditional communities and defenders of rural workers' rights

24. As outlined in the *Sales Pimenta* judgment and documented in the Jilani report, along with countless other judgments and reports concerning human rights in Brazil, much of the violence against human rights defenders in the country is rooted in conflict about land. Those most targeted are Indigenous defenders, Quilombola defenders, human rights defenders from other traditional communities and defenders of rural workers' rights. In their struggles for land, many of those human rights defenders are also working on issues related to climate change, protecting biodiversity, the right to food and gender equality.

25. Denial of land is at the heart of the struggle of traditional peoples and the rural working class across Brazil. As human rights defenders repeatedly told the Special Rapporteur during her visit, land was the key to their survival as peoples and communities. Human rights defenders from those groups are taking peaceful action to see the democratization of land access and use, and respect for the land rights of traditional and Indigenous Peoples.

26. When the Special Rapporteur asked Indigenous defenders targeted in that context what they thought would protect them, they were clear: the removal of those invading their lands, the rapid demarcation of their territories and accountability for environmental crimes.

27. When the Special Rapporteur spoke with human rights defenders from Quilombola communities about what action was needed by the State to counter the violence that they faced, they were equally clear: the urgent titling of their land, proper investigations to put an end to impunity and a guarantee of social rights so that everyone could live in dignity.

28. Human rights defenders in Brazil have been calling upon the State to meet those demands for generations. Through reoccupations, self-demarcation and self-titling, as well as legal action, they, the communities that they come from and their allies have been seeking

[12] A/HRC/4/37/Add.2.

[13] *Sales Pimenta v. Brazil*, para. 47.

to make them a reality. In response, they have been met continually with opposition, obstruction and denial from the authorities. Why has that been the case?

29. There are those who would find it convenient to see Indigenous, Quilombola, riverine and other traditional peoples disappear and for their rights to remain symbolic, frustrated, disregarded or ignored. The "Marco Temporal" thesis, according to which Indigenous Peoples who were not present on their lands when the Constitution of Brazil was ratified on 5 October 1988 are not entitled to the recognition of their lands, is a clear annunciation of that. So, too, is the killing of Quilombola leaders and the development of monocultures on Indigenous Peoples' traditional land, the polluting of rivers used by riverine communities by legal and illegal mining, and the forced displacement of traditional communities already displaced historically, all of which the Special Rapporteur was informed about during her visit.

30. On 17 August 2023, a 72-year-old Quilombola leader and women human rights defender, Mae Bernadete, was assassinated in her home in the then-untitled Pitanga dos Palmares Quilombolo near Salvador, Bahia. She had been receiving threats and been incorporated into the State human rights defender protection programme since 2017, when her son, also a Quilombola leader and human rights defender, was murdered. Several suspects have been arrested and accused of her killing. The Pitanga dos Palmares Quilombolo was formally titled during the visit of the Special Rapporteur. However, her life was lost, which serves as a clear example of what human rights defenders in Brazil repeatedly told the Special Rapporteur: action is only taken after bloodshed. The fear of future attacks was palpable among human rights defenders in the Pitanga dos Palmares community at the time of the visit. One woman human rights defender told the Special Rapporteur how her daughter kept asking her if what had happened to Mae Bernadete would happen to her.

31. Across Brazil, human rights defenders from different groups and regions raised the killing of Mae Bernadete with the Special Rapporteur. The solidarity shown is testament to the strength of social movements and communities involved in the struggles in the country. However, there are many other cases.

32. In late December 2023, another Quilombola leader and human rights defender was assassinated by two gunmen in front of his home in the State of Maranhão. The Quilombolo that they were from had been awaiting titling for more than 20 years at the time of the killing. As of the date of the finalization of the present report, there had been no progress in the investigation.

33. Just a few days prior, on 21 December 2023, a leader of the Pataxó Hã-hã-Hãe Indigenous community and human rights defender, Cacique Lucas Kariri-Sapuyá, from the Rio Pardo village in the south of Bahia, was shot dead in front of his son as he entered his community. Two hooded men carried out the attack. He was 31 years old. One month later, on 21 January 2024, a Pataxó Hã-hã-Hãe spiritual leader and woman human rights defender, Maria Fátima Muniz de Andrade, also known as Nega Pataxó, was killed in the Potiraguá municipality, also in the south of Bahia. She was shot when Indigenous community members were set upon by self-proclaimed members of the Zero Invasion Movement, allegedly with the acquiescence of the Bahia Military Police. Nailton Pataxó, another Indigenous leader and human rights defender, was shot and injured during the attack, along with his son.

34. The Bahia Secretariat for the Promotion of Racial Equality and Traditional Peoples and Communities, in information submitted to the Special Rapporteur, stated that the killing of Cacique Lucas was being investigated by Bahia civil police. However, as in the large majority of cases in which human rights defenders are attacked in Brazil, no perpetrators have been brought to justice. Impunity is particularly pronounced in cases involving human rights defenders from racialized and marginalized groups, including Indigenous, Quilombola and black defenders. Killings are blamed on family or community feuds and investigations are quickly shut down, which is a major problem.

35. Regarding the killing of Nega Pataxó and the attempted killing of Nailton Pataxó, the Bahia authorities submitted that three investigations had been opened, including into the Zero Invasion Movement itself, but had since been referred to the federal police for investigation.[14]

36. The Zero Invasion Movement is a nationally registered legal entity, formed in Bahia in 2023. Its public face is Luiz Uaquim, a farmer from Ilhéus in southern Bahia. It claims to be a peaceful group set up to protect property rights and has received the support of some politicians in the country, who have formed the Zero Invasion Parliamentary Front. However, human rights defenders from the communities confronted by the group deem it to be a violent militia seeking to continue the anti-rights agenda of the previous President. That appears to be the case.

37. The Zero Invasion Movement has launched well-publicized violent attacks on land rights activists in Bahia, including Indigenous Peoples, and has been accompanied by military police in doing so. Its parliamentary bloc, led by Federal Deputy Luciano Zucco, headed a spurious parliamentary inquiry into the Movement of Landless Rural Workers (widely known by its acronym, MST, in Portuguese), which has been working for decades to combat the colossal level of inequality in land ownership in Brazil. The parliamentary bloc has also introduced a bill to deny social services to persons engaged in land occupations, irrespective of their constitutional claims to the land in question, and to allow police violence against them, which has already passed through the Chamber of Deputies.[15] In the aftermath of the killing of Nega Pataxó and the shooting of Nailton Pataxó, the Bahia Public Security Secretariat stated that the Zero Invasion Movement had orchestrated the attack.

38. From the information received by the Special Rapporteur during her visit, the Zero Invasion Movement appears to be a well-organized and well-connected example of a phenomenon present across Brazil, whereby groups opposed to progressive agrarian reform engage in coordinated violence to oppose it. They do so armed, notably following the liberalization of gun ownership laws under the previous President, and with the acquiescence, if not collaboration, of State forces and authorities. The attack that resulted in the killing of Nega Pataxó was announced on social media groups the day before it was carried out and was allegedly perpetrated in collaboration with Bahia military police.[16]

39. A further example is the attack that took place on 24 June 2022 against Guarani and Kaiowá peoples in the Guapoy community in Mato Grosso do Sul. In an event known as the "Guapoy Massacre", state military police, allegedly acting in the interests of large landowners, entered the traditional lands of the Indigenous Peoples in an attempt to forcibly evict them without a court order. The lands had been reoccupied by the Indigenous Peoples in response to the delay in their demands for demarcation – an act the Special Rapporteur considers as the collective defence of their human rights. One Indigenous man was killed and many more injured during the attack, including several people who were hospitalized with gunshot wounds, as the state military police fired live ammunition at the unarmed community members, including from a state helicopter. In the aftermath of the attack, which was followed by the killing of one leader from the community and the attempted assassination of an Indigenous leader supporting them, precautionary measures for their protection were ordered by the Inter-American Commission on Human Rights.[17] However, the community continues to live in fear, with its leaders at extreme risk, and there has been total impunity for those attacks.

40. The Guarani are among the Indigenous Peoples of Brazil most affected by the Marco Temporal thesis, having seen most of their land taken from them prior to 1988. Attacks on human rights defenders leading their struggle to see their rights respected are widespread and

[14] The Special Rapporteur requested an update from the authorities on these investigations, but has not received one as of the date of finalization of the present report.

[15] Bill No. 709/2023. It would replicate similar laws introduced in some states in Brazil, although it remains to be seen whether it will pass the Federal Senate and any possible constitutional challenges.

[16] See https://news.mongabay.com/2024/02/attack-on-pataxo-hahahai-indigenous-leaders-must-be-investigated-commentary.

[17] See https://www.oas.org/en/iachr/decisions/mc/2022/res_50-22_mc_517-22_br_en.pdf.

persistent, as has been underlined by both the Inter-American Commission on Human Rights[18] and the Special Adviser to the Secretary-General on the Prevention of Genocide.[19]

41. Remedying injustice and inequality in relation to land is key to the protection of those human rights defenders. In order to stop the killings there must be demarcation, titling and land reform. Invaders must be removed and the crimes that have been perpetrated must be prosecuted, with the intellectual authors brought to justice along with those pulling the trigger. In meetings with the federal Government and the Office of the Federal Public Prosecutor, they agreed with the Special Rapporteur on that and argued that that was what they were working towards. There are some examples to support the assertion of the federal Government that they are making efforts to ensure that.

42. Titling of Quilombola land has restarted under the Government of Luiz Inácio Lula da Silva, having been almost completely suspended since April 2017. Under the new Administration, the budget for carrying out the titling process has been increased and, on 20 November 2023, the President signed Decree No. 11.786 to establish the National Quilombola Territorial and Environmental Management Policy.[20] The Policy sets out the protection of the integrity of Quilombola territory as one of its five key axes, however, it will need proper funding to fully function. Since the first Quilombolo was titled in 1995, only 161 others having been granted titles. Eleven of those were titled in the first year of the current Administration.

43. Upon taking office, the President stated that he would finalize the demarcation of 14 Indigenous lands during the first 100 days of his Administration. As of the conclusion of the Special Rapporteur's visit, more than a year after the President took office, 10 communities had seen their land rights guaranteed, with 26 reported to be awaiting final governmental approval and hundreds more awaiting formal recognition. In September 2023, the President signed Decree No. 11.702, creating an inter-ministerial committee for the removal of invaders on Indigenous territories,[21] and representatives of the Ministry of Indigenous Peoples told the Special Rapporteur that they understood the importance of not only removing invaders, but providing social services to communities ensuring accountability for environmental crimes.

44. Concerning agrarian reform more broadly, on 15 April 2024, the President signed Decree No. 11.995, introducing the People's Land (Terra da Gente) Programme, which the Government states will speed up land reform by creating new legal tools for its realization. The Decree sets a minimum objective of integrating 244,600 new families into the National Agrarian Reform Programme by 2026, adding to the 50,900 families who entered the programme in 2023. Following the abandonment of land reform under the previous Administration, those are welcome steps. However, as human rights defenders in Brazil have stated,[22] the Ministry of Agrarian Development and Family Farming, as well as the National Institute for Colonization and Agrarian Reform, need increased and stable funding for the implementation of the Programme.

45. While the Special Rapporteur believes that a genuine effort is being made to address the question of land at the heart of attacks against many human rights defenders in Brazil, much more can be done. The federal Government points to obstacles to more rapid progress. The fact that such actions and policies are being initiated by means of a presidential decree, rather than legislation, highlights the fractured nature of the Brazilian political landscape. However, land reform could move more quickly, more widely and in closer collaboration with the people affected. In order for that to happen, the federal Government must make it an absolute priority with the consequent funding.

[18] See https://www.oas.org/en/iachr/reports/pdfs/Brasil2021-en.pdf (para. 69).

[19] See https://www.un.org/en/genocideprevention/documents/USG_Alice_Wairimu_Nderitu_Brazil_12%20May_2023_revised.pdf.

[20] See https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/d11786.htm (in Portuguese).

[21] See https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/D11702.htm (in Portuguese).

[22] See https://www.mstbrazil.org/news/mst-policies-agrarian-reform-budget-federal-government.

2. Women human rights defenders

46. Indigenous women, Quilombola women and rural women workers are leading the movements to ensure that human rights are respected in their communities. They told the Special Rapporteur how they followed in the footsteps of their mothers, their grandmothers and their great grandmothers. The risks they run in doing so are immense. Their families and children are targeted, and they are being sexually harassed and abused. Between 2013 and 2022, the Pastoral Land Commission recorded 37 killings of women in the context of land and environmental disputes in the Brazilian countryside, as well as 70 attempted murders and 408 death threats. Those most affected were landless, Indigenous and Quilombola women; during her visit, the Special Rapporteur was repeatedly told of the cruelty of the attacks against women human rights defenders.[23]

47. Black women defending human rights in urban areas are also at extremely high risk. They are challenging police violence and violations of the right to housing, as well as discrimination against migrants and climate change. While at first sight their struggles may appear distinct from women human rights defenders in rural areas, there are many similarities. Not only in the strength that those women show, but in the kind of attacks directed against them and the root causes of abuse of State power, corruption and the defence of powerful economic interests, alongside the country's lasting legacy of racism and colonialism.

48. Many black women human rights defenders are relatives of those who have been victims of State violence, such as the ones from the Marielle Franco Institute. Some have seen their children killed. They are being attacked for seeking accountability, reparations and lasting change.

49. In Bahia, the Special Rapporteur met a black woman human rights defender whose son had been killed by state police for his work denouncing police violence against black communities. Following her son's killing, for which there has been no accountability, she took up his work organizing peaceful protests against police violence, only to find herself under threat and targeted in a baseless defamation suit.

50. Black women human rights defenders, such as Debora Silva and her fellow defenders from the Mothers of May in Sao Paulo, are seeking to overturn dominant racist and patriarchal attitudes and structures, pursuing accountability for extrajudicial police killings. They have been smeared and falsely painted as drug traffickers. The Special Rapporteur is concerned that attacks against them may escalate.

51. Transgender women human rights defenders face serious additional risks in a country with very high levels of violence against transgender persons.[24] Those risks increase if the women are black. Of the 169 assassinations of human rights defenders recorded by Terra de Direitos and Justiça Global between 2019 and 2022, 16 victims were cisgender women (9.5 per cent) while 9 were transgender women (5.3 per cent), despite transgender persons only constituting approximately 0.7 per cent of the population.[25]

52. Women defenders told the Special Rapporteur that they were speaking at the top of their voices, and yet no one seemed to be listening to them. They face constant threats, are heavily targeted online and have to deal with retaliation in a broader climate of insecurity in which discrimination based on gender combines with discrimination based on race and class.

53. The federal Government states that it is aware of the situation and the Minister for Women, Cida Gonçalves, agreed with the Special Rapporteur about its seriousness. She spoke of the constant nature of threats against family members of women human rights defenders, and the loneliness that they have told her that they feel, first when they are threatened, then when the authorities refuse to accept their reports denouncing these threats,

[23] Statistics taken from information submitted to the Special Rapporteur by the Pastoral Land Commission.

[24] See https://www.brasildefato.com.br/2024/02/05/every-three-days-a-trans-person-is-murdered-in-brazil-says-a-report.

[25] See https://agenciabrasil.ebc.com.br/en/saude/noticia/2021-11/trans-non-binary-make-2-brazilians-study-shows.

let alone investigate, and when they become discredited within their own communities.[26] She told the Special Rapporteur of a woman human rights defender whose daughter had been killed by State police and whose granddaughter had since been threatened in connection with her grandmother's work.

54. The Ministry of Women was re-established by the present President, having been dissolved and fused with other ministries under the Government of Michel Temer. Ms. Gonçalves highlighted some initiatives that the federal Government was taking to try to support women human rights defenders and women more broadly in Brazil. Those include a national plan to combat political violence against women and an action plan for the prevention of femicide, which counts among its provisions a commitment to building capacity among women human rights defenders and their groups and networks, as well as to create spaces for dialogue with rural women human rights defenders.[27] The present Administration has also reinstated the National Council on the Rights of LGBTQIA+ Persons,[28] which had been shut down under the previous President.

55. Many women human rights defenders told the Special Rapporteur of the threats that they faced from conservative and far-right sections of society that had been empowered during the previous Government. Policy, legislation and awareness-raising are needed if those threats are to be addressed and the increasing vulnerability of women human rights defenders is to be reversed, but they must be properly funded and followed through on. Equally important are immediate measures. The protection needs of all human rights defenders in Brazil must be met through a gender lens. The rebuilding of the Brazilian Women's Houses, which act as centres of support for women who have been victims of violence and could be an important resource for women human rights defenders, is an example of such a measure. However, those centres are only present in nine cities in Brazil and, while they are being expanded,[29] they need to be made more accessible. The Ministry of Women must continue to identify where the greatest risks are and address them. Meanwhile, women human rights defenders are not waiting for support from the State – they cannot afford to. The Brazilian Network of Women Human Rights Defenders, recently established with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), is an example of their initiatives for collective protection. Those initiatives are positive and should receive the full support of the State.

3. Journalists

56. Reporting on human rights issues, including those connected to the environment and climate change, as well as corruption, is of vital public interest. There is evidence, however, that investigating and reporting on such issues is putting journalists at risk in Brazil.

57. According to monitoring by the Brazilian Association of Investigative Journalism, attacks against journalists have been increasing in the country since at least 2019, reaching a peak in 2022, prior to the national elections held that year.[30] While at the time of the visit the number of recorded attacks had progressively decreased since the present President took office, journalists and their allies told the Special Rapporteur that the severity of the attacks had intensified.

58. While the killing of the international journalist Dom Phillips and human rights defender Bruno Pereira in the Javari Valley in 2022 is well known, and was referred to by

[26] The Special Rapporteur was informed that the refusal of police to register reports of attacks against human rights defenders was a very common challenge faced by all such persons in Brazil, but particularly by those from groups historically marginalized and discriminated against, such as women.

[27] See https://www.gov.br/mulheres/pt-br/central-de-conteudos/noticias/2024/marco/pacto-nacional-de-prevencao-aos-feminicidios-lanca-plano-de-acao-com-73-medidas-para-enfrentar-a-violencia-contra-mulheres/PlanodeAo.pdf (in Portuguese).

[28] See https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/D11471.htm (in Portuguese).

[29] See https://www.gov.br/mulheres/pt-br/central-de-conteudos/noticias/2024/fevereiro/implementacao-da-casa-da-mulher-brasileira-avanca-no-municipio-de-maraba-pa (in Portuguese).

[30] See https://abraji-bucket-001.s3.sa-east-1.amazonaws.com/uploads/publication_info/details_file/9269a537-e8d1-47fd-8bbe-8499134f6757/Relato%CC%81rio_-_Ataques_contra_jonalistas_de_2023_EN_2P__1_.pdf (p. 17).

several State actors during the visit, information received by the Special Rapporteur indicates that many of the threats journalists working on human rights issues face are hyperlocal, coming at the state and municipal levels. Local journalists reporting on local issues connected to human rights appear to be at greatest risk and in need of most support.

59. Despite the challenges in monitoring attacks in the Amazon region, since 2013, 230 instances of violence against journalists have been documented in its nine states in Brazil.[31] Pará is one of the most violent states for reporters in the Amazon. Local journalists whom the Special Rapporteur spoke to from the Tapajós do Fato outlet, who had been reporting on the human rights and environmental impact of mining in the state, in particular alleged land trafficking and speculation linked to the Lago Grande Agro-Extractivist Settlement Project,[32] informed her that they had been surveilled and accused of spreading fake news. The outlet's "popular communicators", as community journalists are commonly known in Brazil, received anonymous messages on their private phones in 2021, informing them that their addresses were known. The journalists reported the threats when they were made, but received no follow-up until 2023 and, by the time of the visit, no action had been taken to protect or support them. Since then, at least one popular communicator from the outlet has received new threats linked to work on environmental and human rights issues.

60. Journalists from minority groups face significant intersectional challenges. Transgender journalists told the Special Rapporteur that they had been attacked not only for their reporting, but as a result of their gender identity. That, like the shocking number of killings of transgender women who are human rights defenders, is reflective of what human rights defenders described as the "refusal of the transgender body" in public spaces. One transgender journalist, from the Transmídia outlet, was harassed online and through the private number of her phone after appearing on a high-profile television programme. Another transgender journalist saw her car stoned twice and received transphobic threats.

61. Defamation, slander and injury are all criminal offences in Brazil, under articles 138-140 of the Criminal Code, and are being misused against journalists working on human rights and environmental issues.[33] Human rights defenders monitoring the issue spoke of an avalanche of strategic lawsuits seeking to intimidate and silence human rights journalists through the threat of criminalization.

62. The federal Government has taken some steps to address those issues. The National Observatory on Violence against Journalists, which includes among its members representatives of civil society, the National Council of Justice and the Office of the Federal Public Prosecutor, has been established by the present Government. Its reports and recommendations must be acted upon. A judgment by the Federal Supreme Court in May 2024 also gives hope. The ruling, which provides some protection for journalists targeted with multiple spurious lawsuits, was handed down following a case brought by the Brazilian Association of Investigative Journalism and the Brazilian Press Association.[34]

4. Social and cultural activists

63. Providing social assistance to people in need should never be considered a threat by the authorities, however, this seems to be happening in at least some states in Brazil, leading to the harassment and criminalization of human rights defenders.

64. In Sao Paulo, human rights defenders from Roof, Work and Treatment (Teto, Trampo e Tratamento) have been working with some of the most vulnerable people in society, particularly members of Sao Paulo's homeless population and drug users, to provide psychosocial support to help them to enjoy their human rights. They are also documenting

[31] See https://rededeprotecao.org.br/wp-content/uploads/2024/09/Relatorio_Instituto-Vladimir-Herzog_2024-1.pdf (in Portuguese) (p. 11).

[32] The Lago Grande Agro-Extractivist Settlement Project, covering 250,000 hectares on the banks of the Tapajós River, was created in 2005 to protect local, sustainable land use. During her visit, the Special Rapporteur received multiple reports of human rights defenders from the community at risk in the face of pressures from illegal logging and mining interests.

[33] Defamation is also a civil offence, under articles 17–21 of the Civil Code, in Brazil.

[34] See https://www.mediadefence.org/news/judicial-harassment.

violations of the rights of persons from those communities and have been targeted as a result, in particular by members of the Municipal Guard. On 15 February 2024, one of the group's members was hit by a rubber bullet during an operation by the Municipal Guard targeting itinerant drug users in central Sao Paulo and, at the time of the Special Rapporteur's visit, members of the group feared that their activism would soon be criminalized.

65. Those fears appeared warranted. In a meeting with a high-ranking representative of the Public Security Secretariat, which is responsible for human rights in the State of Sao Paulo in the absence of a dedicated human rights secretariat, the Special Rapporteur was informed of an ongoing investigation into a "whole network" of non-governmental organizations active in central Sao Paulo. No evidence was provided to justify that investigation, the impetus for which, the Special Rapporteur was told, had come from complaints from property owners in the centre of the city, raising concerns about the links between this investigation, the eviction of homeless people from shelters in central Sao Paulo and the high levels of real estate speculation affecting the right to housing in the state. Following the visit of the Special Rapporteur, on 13 June 2024, a hotel used by Roof, Work and Treatment to house the beneficiaries thereof was raided by police and the organization's minute book – recording the details of their meetings – was seized.

C. The role of companies and markets

66. Across almost all of the Special Rapporteur's meetings, human rights defenders drew her attention to the role of business and markets as drivers of the risks that they face.

67. State representatives also identified predatory, neo-colonial aspects of the Brazilian economy as a root cause of the attacks and insecurity suffered by human rights defenders.

68. Industries identified by the Special Rapporteur as linked to risks for human rights defenders in Brazil include mining, agribusiness, tourism, housing and the emerging carbon credit market. Many of those sectors are driven by foreign investment, however, national and State-owned companies are also involved in the generation of conflicts affecting human rights defenders.

69. One example comes from the bend of the Xingu River in Pará, where human rights defenders from Indigenous, peasant and riverine communities opposing the risk of human rights violations and environmental damage from the Volta Grande Gold Mine Project have been under threat since at least 2017. The project has been developed by the Canadian company Belo Sun Mining Ltd, with investments from the United States of America and Canada.[35] Information received by the Special Rapporteur indicates that at least three human rights defenders have received serious threats for opposing the project, while at least one human rights defender was forced to relocate for safety reasons. In October 2023, Belo Sun filed an allegedly spurious criminal complaint against 40 persons, including locals involved in peaceful land occupations and members of civil society who had been supporting local communities in the collective defence of their rights.[36] In a worrying development, that complaint has since been forwarded to court by local prosecutors.

70. In no way is this an isolated case. During the visit, the Special Rapporteur received information concerning countless instances of retaliation linked to business activities.

71. Human rights defenders from the traditional riverine communities of Oriximiná have been harassed for standing up for their rights in the face of an open-pit bauxite mine on State-managed land on the Arama Plateau in the west of Pará. The bauxite mine, operated by Mineração Rio do Norte, a joint venture between Rio Tinto (United Kingdom of Great Britain and Northern Ireland and Australia), South 32 (Australia), Glencore (Switzerland) and the Brazilian Aluminium Company, borders territories occupied for centuries by Quilombola and riverine communities, and has taken over land that they traditionally used for sustainable

[35] See communication BRA 1/2024, available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28787.

[36] See https://srdefenders.org/brazil-threats-intimidation-and-harassment-of-human-rights-defenders-in-the-context-of-the-volta-grande-gold-mining-project-joint-communication.

farming, fishing and hunting. When human rights defenders and community members have sought to access the land, they have been fined by the Chico Mendes Institute for Biodiversity Conservation, the State agency responsible for managing it, effectively sanctioning sustainable land use while permitting unsustainable mining. The Special Rapporteur is concerned that the risks for human rights defenders from those communities may escalate if the root causes of the conflict are not addressed.

72. The examples from the Volta Grande River and the Oriximiná communities present issues common to many of the situations in which human rights defenders are at risk in the context of business activities in Brazil.

73. In each case, the mines have been or are being developed without full consultation with the communities affected by them, despite the right to give or withhold their free, prior and informed consent under the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). That is an extremely common problem in Brazil. The right to free, prior and informed consent is not respected. In many cases, it is either being ignored or only partially implemented, and even then in company-led processes designed to satisfy their own interests. Although many communities have developed their own protocols for free, prior and informed consent,[37] these are not being followed. The duty of ensuring authentic processes to allow traditional communities to give or withhold their consent for projects affecting their rights lies with the State. They should support community-led processes to see the right to free, prior and informed consent fulfilled, guaranteeing the right to say no.

74. The examples are also emblematic of an imposed and polluting model of development, one driven by foreign investment for the profit of shareholders rather than the benefit of locals, and aimed at sustaining unsustainable patterns of consumption and wealth accumulation in the global North, rather than meeting the needs of affected communities. In insisting on that model, historically developed with the support of the Brazilian authorities, such projects displace and render impossible sustainable ways of living and using land and natural resources. Such sustainable practices have been developed by communities over decades and centuries, are integral to their culture, and contribute to the safeguarding of the local environment and biodiversity, and to combating climate change.

75. While many of the most serious attacks on human rights defenders raising concerns about the way business is being done in Brazil are happening in the countryside, the issue is also affecting such persons in urban areas, as in the case of the human rights defenders from Roof, Work and Treatment and in the killing of Marielle Franco.[38]

76. Common to all those cases is the railroading of human rights, the environment and efforts to combat climate change by those seeking self-enrichment and power through the expansion of capital. Attacks on human rights defenders in those contexts are a reaction to their insistence on the universality of human rights and the need for their respect and protection in all cases.

77. As always, human rights defenders from marginalized groups and communities that have been discriminated against historically are at increased risk when speaking out and organizing to prevent violations caused by business activity. International, regional and national human rights laws designed to protect those groups are bypassed in the process, including the right of Indigenous and other traditional peoples to give or withhold their free, prior and informed consent.

78. The Minister for Human Rights and Citizenship told the Special Rapporteur that ensuring business was done sustainably and with respect for human rights and the environment was a priority for the federal Government, and pointed to the establishment of a working group on the issue. The Special Rapporteur believes that the Minister should support legislation on human rights and environmental due diligence for Brazilian companies and those operating in the country. That legislation should include measures to prevent retaliation against human rights defenders sounding the alarm about business activity that

[37] See https://observatorio.direitosocioambiental.org (in Portuguese).

[38] See https://agenciabrasil.ebc.com.br/en/geral/noticia/2024-03/marielles-murder-linked-criminal-real-estate-expansion-rio.

puts human rights at risk. She expresses her readiness to support the Government in that initiative.

D. State efforts to protect human rights defenders

1. Protection programme

79. The State's full recognition of the challenges faced by human rights defenders encompasses the recognition of the need to support them and address the issues that put them at risk. The Minister for Human Rights and Citizenship, Silvio Almeida, outlined the two-track approach of the federal Government in the face of those challenges: (a) to build policies, tools and laws to tackle the root causes of insecurity for human rights defenders, identified as social injustice in its many forms; and (b), in parallel, to improve the protection of human rights defenders.

80. The numerous policies cited above form part of the efforts of the federal Government to solve the first part of that equation. Its attempts to solve the second part are wrapped up, to a great extent, in the country's protection programme for human rights defenders at risk.

81. A policy for the protection of human rights defenders, including popular communicators and environmentalists, was first introduced in 2007.[39] Since then, it has undergone several transformations, including through changes introduced in 2019 and 2021, which were criticized by human rights defenders and civil society as weakening the programme.

82. Since its inception, the protection policy and the programme that finds its roots in it have been built through presidential decrees. Efforts to give the mechanism a more robust legal framework, including through Bill No. 4.575, introduced in 2009, have proved unsuccessful. That was identified as a major problem by many of those with whom the Special Rapporteur spoke during her visit, including representatives at the federal and state levels, human rights defenders and civil society.

83. Although the programme is overseen by the federal Government, it operates primarily through agreements with authorities at the state level and is implemented by civil society partners. At the time of the visit, a number of states had programmes up and running, however, several states within which human rights defenders were facing severe risks, including Sao Paulo and Matto Groso do Sul, did not. In situations in which no state programme exists, defenders can be offered protection by the federal Government.

84. As was made clear by the human rights defenders with whom the Special Rapporteur met, the existence of the protection programme is positive. However, it has serious problems and needs to be fully revamped.

85. One Indigenous lawyer and human rights defender explained how he had been incorporated into the programme in 2021, but it took three years for anyone to make contact with him. A female Indigenous leader told the Special Rapporteur that she was supposed to be receiving support from the mechanism, but that she did not understand how it worked. Mãe Bernadete was killed despite being included in the protection programme. In Pará, a woman human rights defender from the rural workers movement described the impact of protection measures on her family, namely that her daughter had run away because she could not live in a cage.

86. The protection programme cannot currently provide the support human rights defenders need and are asking for. The issues are numerous. It lacks funding and is being implemented by civil society partners, rather than the State, which bears the duty to protect human rights defenders at risk. It is heavily reliant on protection measures implemented by police at the local level, who are, in many cases, the source of the defenders' insecurity in the first place. There is at best inadequate mental health support offered and an overreliance on relocation, which may be needed, but is not the solution human rights defenders are

[39] See https://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/decreto/d6044.htm (in Portuguese).

looking for, in particular those from traditional communities and journalists working locally. There is also a great disparity in the level of protection offered among states.

87. The State is aware of all of those issues and is examining possibilities to improve the programme. The Special Rapporteur believes that consideration should be given to assigning full responsibility for the protection of human rights defenders to the federal authorities.

2. Sales Pimenta Working Group

88. Of all the policies and initiatives cited by the authorities during the visit, the only one regularly referred to by human rights defenders was the work carried out by the Sales Pimenta Working Group under the Ministry of Human Rights and Citizenship.

89. The Working Group was established in 2023[40] following the judgment of the Inter-American Court of Human Rights in the above-mentioned *Sales Pimenta* case. While many of the other polices discussed are aimed at addressing the root causes of attacks against human rights defenders, the Working Group is specifically focused on developing a national plan and draft legislation on human rights defenders themselves.

90. At the time of the visit, the Special Rapporteur had concerns about the level of investment by the federal Government in the Working Group. As underlined in her end-of-mission statement, an adequate budget and the genuine participation of all relevant ministries were vital to allow the Working Group to fulfil its mandate. At the end of her visit, the Special Rapporteur called for the Working Group to be made a political priority. She notes the serious efforts made by both the Ministry of Human Rights and Citizenship and the members of the Working Group since then, including to engage with human rights defenders. On 12 December 2024, the Working Group presented its proposed national plan and draft legislation to the Ministry. The Special Rapporteur now calls upon the Government to carry those proposals forward so that such work can make a real difference for human rights defenders.

3. Participation

91. The Working Group is an example of the efforts made by the present Government to reopen the door to human rights defenders and civil society in the design of policy that affects them. The reinstitutionalization of deliberative councils, decision-making bodies within the protection programme, is another good example of that. The Special Rapporteur applauds those efforts and encourages the federal Government to maintain that approach, expanding participation where possible, providing adequate resources to allow it to continue and ensuring that the voices of those most marginalized, at-risk and overlooked are included. Many of the human rights defenders with whom the Special Rapporteur spoke, in particular those in rural areas, asked her to convey their messages to the Government, their "messages of resistance", as they called them. They should not have to ask her to do so since the Government should go looking for those messages; and, when they find them, they should listen.

4. Ending impunity

92. One of the striking elements common to many of the attacks against human rights defenders in Brazil is that the human rights defenders, the communities that they come from and, in many cases, society more broadly are aware of the identity of the attackers. In some cases, so are the authorities. However, in the vast majority of cases, the perpetrators escape with impunity. There are, however, some exceptions to that, namely: the process opened against the alleged killers of Mãe Bernadete in Bahia; and the arrest of the supposed intellectual authors of the killing of Marielle Franco. Such cases, however, are few and far between. Police failings, an unwillingness to investigate or collusion with the perpetrators mean that many cases never go beyond the investigation stage. Institutional discrimination is a further factor. In situations in which cases are prosecuted, there are again obstacles and powerful interests that weigh in. In the rare instances in which cases reach trial, they may

[40] See https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2023/decreto/d11562.htm (in Portuguese).

take years before a verdict is reached. The pursuit of justice for the killing of Gabriel Sales Pimenta is a clear example of that.

93. More than one defender described it as follows: Brazil is the country of impunity. However, every life is important. Every killing must be investigated. Every family and community deserves justice and accountability. If that is not ensured, the attacks against human rights defenders are only going to continue.

94. That is at the heart of the judgment by the Inter-American Court in the *Sales Pimenta* case, in which the Court also ordered the establishment of a second working group, specifically to address the issue of impunity for crimes against human rights defenders, in particular rural workers. It is vital that the State properly funds and supports the working group on impunity. Impunity can be tackled; it cannot be accepted.

IV. Conclusions

95. **The attacks human rights defenders face in Brazil are extremely violent, the risks widespread and pervasive, and those most marginalized and discriminated against face the greatest jeopardy, namely: Indigenous and Quilombola defenders, defenders from riverine and other traditional communities; rural defenders and working-class defenders; and black women and transgender women human rights defenders. Often, the risk factors intersect and the danger escalates. In many cases, the perpetrator is the State, often the police. In other cases, the attackers are farmers, businesspersons and their private security, and perpetrators with political links are sheltered by local authorities. The way business is done in Brazil, driven in large part by foreign capital and companies, contributes to the insecurity and to violations of human rights more broadly.**

96. **Such a situation is far from new; it is a historical one. Those standing up to defend their rights in Brazil have always done so at great risk. This was true in the fight against slavery, the struggle to overcome colonialism, the campaign against the military dictatorship and throughout the twenty-first century, including under the previous Government when the risks for defenders increased drastically.**

97. **Nor are the root causes of the attacks against defenders new. They stretch back to the colonial period and all its brutality, the legacy and structures of racism it left behind and to the drive to open up the Amazon and other rural areas to capital during and since the military dictatorship – a process very clearly continuing today.**

98. **The attacks are inseparable from the failure of the State to guarantee the rights of Indigenous, Quilombola and other traditional peoples, as well as the rights of women, black people, the working class and the LGBTQIA+ community.**

99. **However, while it is crucial to remember those historical facts and the long-standing nature of the attacks against human rights defenders in Brazil, it is the State, as it is composed today, that bears the obligation to address them. It must ensure that everyone in the country can seek the realization of human rights without fear of retaliation.**

100. **The federal Government knows that, and there is a recognition among its ministries of the importance of human rights defenders in society and of the risks that they face.**

101. **However, successive Governments have failed to put the structures in place to properly protect defenders and tackle the root causes of the risks that they face. The present Administration is trying, although it faces significant obstacles. However, those will only be overcome if support for human rights defenders becomes an absolute priority. The current Government encompasses a wide range of political positions and interests, however, they must strive to collaborate, including with state authorities, to ensure respect for human rights. Those engaged with the situation of human rights defenders, and willing to lead on it, must bring others who may be less aware of the risks faced by human rights defenders along with them. They should be empowered by**

the present President to do so to the fullest extent possible. The State, in all its forms, needs to match the courage of human rights defenders in the country and show true solidarity with them through effective, determined action.

V. Recommendations

102. **Upon the conclusion of her visit to Brazil, the Special Rapporteur made a series of detailed recommendations to State actors, urging the authorities to address them without delay. Having evaluated the levels of implementation of those recommendations since her visit, the Special Rapporteur makes the following updated and final recommendations to the authorities.**

103. **The Special Rapporteur recommends that the President:**

(a) **Publicly declare the protection of human rights defenders and an end to impunity for crimes against them as a priority of the federal Government, and call for cooperation from all state authorities to ensure their protection;**

(b) **Further strengthen State bodies for the protection of human rights, including human rights linked to land, the environment and combating climate change, ensuring sufficient funding for these bodies.**

104. **The Special Rapporteur recommends that the Supreme Court prioritize the resolution of the respective petitions concerning federal Law No. 14.701.**

105. **The Special Rapporteur recommends that the Ministry of Human Rights and Citizenship:**

(a) **Fully transfer responsibility for the implementation of the protection programme for human rights defenders to the federal Government, in cooperation with authorities at the state level;**

(b) **Prioritize the implementation of the proposals put forward by the Sales Pimenta Working Group;**

(c) **Design and implement a national system for the collection of disaggregated data on attacks against human rights defenders, in line with the judgment of the Inter-American Court of Human Rights in the *Sales Pimenta* case;**

(d) **Develop, in collaboration with the Ministry of the Environment and Climate Change, a draft law to ensure full respect for human rights and the environment and the mitigation of climate change by Brazilian companies and those active in the national territory, with a particular focus on high-risk sectors, including mining, agribusiness, logging, tourism and energy production, in line with the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises on Responsible Business Conduct and the Guiding Principles on Business and Human Rights.**

106. **The Special Rapporteur recommends that the Ministry of Justice and Public Security:**

(a) **Prioritize with the utmost urgency, in close collaboration with the Ministry of Indigenous Peoples and relevant agencies, the demarcation of Indigenous land;**

(b) **Issue, in consultation with human rights defenders and civil society, protocols on:**

(i) **Mandatory training for the police on human rights defenders;**

(ii) **Investigation of alleged crimes against human rights defenders, ensuring that retaliation for their human rights activism is considered as a possible motive for crimes against them;**

(c) **Consider the development of specific legislation on the use of force by police, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Code of Conduct for Law Enforcement Officials.**

107. **The Special Rapporteur recommends that the Ministry of Agrarian Development and Family Farming, in close collaboration with the Ministry of Racial Equality and relevant agencies, prioritize, as a matter of the utmost urgency, the titling of Quilombola land.**

108. **The Special Rapporteur recommends that the Ministry of the Environment and Climate Change:**

(a) **Work with the Office of the Federal Public Prosecutor to develop a protocol for the effective prosecution of environmental crimes and consider the expansion of the list of protected trees in the country as an urgent measure to tackle deforestation;**

(b) **Develop programmes to incentivize the protection of forests and the prevention of deforestation at the state and municipal level.**

109. **The Special Rapporteur recommends that the Ministry of Women make the ending of attacks against women human rights defenders and their family members, especially Indigenous, Quilombola and other traditional women, black women and rural women workers, a priority, including through a mapping of violence against women human rights defenders and a protocol on security for women human rights defenders in Indigenous, Quilombola and traditional peoples' territories.**

110. **The Special Rapporteur recommends that the Ministry of Indigenous Peoples:**

(a) **Ensure full respect for the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), for both State and private sector projects, respecting the desired approach and traditions of affected communities and paying particular attention to the following industries: mining, logging, agribusiness (notably soya, maize and eucalyptus plantations, and cattle farming), carbon credits, infrastructure development and energy production;**

(b) **Acknowledge and support proactive measures being taken by Indigenous Peoples to realize their rights, including their right to self-determination. That includes respecting and observing consultation and consent protocols developed by Indigenous Peoples.**

111. **The Special Rapporteur recommends that the Ministry of Racial Equality acknowledge and support the proactive measures being taken by Quilombola, riverine and other traditional peoples to realize their rights, including their right to self-determination. That includes respecting and observing consultation and consent protocols developed by traditional peoples in the context of activities affecting their lands, in line with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

112. **The Special Rapporteur recommends that the Government and relevant organs of the States of Bahia, Pará and Matto Grosso do Sul:**

(a) **Prioritize, as a matter of urgency, investigations into killings and threats against human rights defenders, ensuring that perpetrators are brought to justice and that all human rights defenders at risk are offered effective and appropriate protection;**

(b) **Facilitate, to the maximum extent possible, the demarcation and titling of Indigenous, Quilombola and other traditional peoples' land, including by reviewing the legality of all existing concessions given to companies that affect such land, including their conformity with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

113. **The Special Rapporteur recommends that the Government and relevant organs of the State of Sao Paulo:**

(a) **Enter into an agreement with the federal Government to establish a protection programme for human rights defenders in the state;**

(b) **Introduce the mandatory use of body cameras by all police officers operating in the state to ensure accountability for state violence;**

(c) **Refrain from the criminalization of human rights defenders – not only in relation to the opening of criminal investigations and judicial proceedings, but the conflation of human rights defenders with criminals in public discourse – in particular those who are part of social movements and supporting the most vulnerable in society;**

(d) **Legislate to introduce an effective, prompt and transparent process of reparations, including psychological support, for the relatives and loved ones of victims of police violence;**

(e) **Guarantee the independence of forensic investigations in all cases.**

114. **The Special Rapporteur recommends that the National Council of Justice develop a binding protocol for the judicial handling of cases involving alleged crimes against human rights defenders, including the creation of a mechanism for accelerated procedures.**

115. **The Special Rapporteur recommends that the National Council of Prosecution Services develop a binding protocol for the prosecution of cases involving alleged crimes against human rights defenders, ensuring that retaliation for their human rights activism is considered as a possible motive for the crime and providing clear guidance on the federalization of cases, in line with the judgment of the Inter-American Court of Human Rights in the *Sales Pimenta* case.**

116. **The Special Rapporteur recommends that the Office of the Federal Public Defender continue to pay particular attention to the situation of human rights defenders at risk, in particular the issue of impunity for crimes against them, and consider the creation of a dedicated working group on the situation of human rights defenders.**

117. **The Special Rapporteur recommends that all companies active in Brazil seeking to conduct business with respect for human rights and the environment while limiting the impact of climate change:**

(a) **Operate in full conformity with international and regional human rights laws and standards, including the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on Human Rights Defenders and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas;**

(b) **Support the prompt ratification of the Escazú Agreement by Brazil;**

(c) **Support the development of national legislation on human rights and environmental due diligence for companies, in line with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and the Guiding Principles on Business and Human Rights.**